

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

Bianca Marcellino,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:21-CV-01338
)	
Geauga County Humane)	
Society,)	
)	
Defendant.)	

- - -

Remote deposition of Hope Brustein, a witness
herein, called on behalf of the Plaintiff for oral
examination, pursuant to the Federal Rules of Civil
Procedure, taken before Steven Mengelkamp, court
reporter and Notary Public in and for the State of
Ohio, taken via Zoom, on Monday, July 25, 2022,
commencing at 1:30 p.m.

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WITNESS:

CROSS

Hope Brustein

By Ms. Huth

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E X H I B I T S

EXHIBIT:

MARKED

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B

C

- - -

1 PROCEEDINGS

2 (Zoom recording in progress.)

3 HOPE BRUSTEIN

4 of lawful age, being first duly sworn, as
5 hereinafter certified, was examined and testified as
6 follows:

7 MS. HUTH: Ms. Brustein, my name
8 is Michela Huth. I'm the attorney for the
9 plaintiffs, Marcellinos. I'm going to go
10 through some preliminary issues.

11 THE WITNESS: Could you just
12 clarify which Marcellinos?

13 MS. HUTH: The plaintiffs.

14 THE WITNESS: Oh, okay.

15 MS. HUTH: So please just answer
16 the questions I'm going to ask. Any answers
17 like uh-huh or uh-uh, those won't suffice
18 because the court reporter and I don't know if
19 those are yeses or nos. If you don't
20 understand a question, please ask me and I'll
21 either repeat it or rephrase it.

22 CROSS EXAMINATION

23 By Ms. Huth:

24 So my first question to you is, are you taking any
25 medication today that would effect your

1 ability to answer straightforward and
2 honestly?

3 A No.

4 Q Are you able to fully participate in this
5 deposition today?

6 A Yes.

7 Q Do you understand that this may go for a
8 number of hours and we'll take breaks, during
9 which breaks, under the federal rules, you're
10 not permitted to discuss the answers with your
11 attorney or anyone else; do you understand
12 that?

13 A Yes.

14 Q What is your residential address?

15 A 2575 East 127th Street, Cleveland, Ohio 44120.

16 Q What is your phone number?

17 A 216-392-4914.

18 Q Is that your cell phone?

19 A Correct.

20 Q Is that the same cell phone you had when you
21 worked for Geauga County Humane Society?

22 A Yes.

23 Q Could you just describe what your education is
24 for me?

25 A Yes. I graduated with a four year Bachelor's

1 degree.

2 Q From where?

3 A Antioch College.

4 Q Do you have any higher education other than
5 college?

6 A No.

7 Q Other than your Bachelor's degree?

8 A No.

9 Q Do you have any certifications?

10 A I am a Certified Animal Welfare Administrator.

11 Q Where did you get that certification from?

12 A That is given from the Association of Animal
13 Welfare Administrators. It is the only
14 professional certification for executive or
15 higher levels of leadership and participation
16 in various forms of animal welfare
17 organizations.

18 Q What is that organization again, I'm sorry?

19 A The Association of Animal Welfare
20 Administrators, AAWA.

21 Q Is that a national association?

22 A Yes, that is.

23 Q Let's go through your employment history just
24 quickly.

25 A I might have to get my resume to refresh

1 myself; would that be all right?

2 Q You could produce your resume and that would
3 suffice. But let's just go back, I believe
4 you worked at the SPCA in Texas; is that
5 correct?

6 A No, that is not correct.

7 Q Have you worked for any SPCAs before?

8 A Yes, the Ulster County SPCA in Kingston, New
9 York.

10 Q When was that?

11 A That was 2006 through June or July 2007.

12 Q Where did you work after that?

13 A I worked at Geauga Humane Society's Rescue
14 Village from August of 2007 until early July
15 2019.

16 Q I just wanted to talk, is Geauga County Humane
17 Society the same thing as Geauga Humane
18 Society, which is the same thing as Rescue
19 Village?

20 A Correct.

21 Q What is the legal name of Geauga --

22 A I believe, if I remember correctly, that on
23 the tax forms, it's Geauga County Humane
24 Society. However, it is a private nonprofit
25 humane society.

1 Q Why did you leave Geauga County Humane Society
2 employment?

3 A Because it was a wonderful time in my life,
4 when I decided to go part time and semi-
5 retire.

6 Q Are you working now?

7 A Yes, I am.

8 Q So Geauga Humane Society employment -- I'm
9 just going to say Humane Society, just so that
10 we all understand I'm talking about Geauga
11 Humane Society. After Geauga Humane Society,
12 where did you work?

13 A I work at an organization called the Music for
14 Healing and Transition Program.

15 Q Do you still work there?

16 A I do.

17 Q Is that full time?

18 A No, it is not.

19 Q Part time?

20 A Correct.

21 Q What is your position at your current
22 employment?

23 A Chief Administrative Officer.

24 Q What was your position with Geauga County
25 Humane Society?

1 A Executive Director.

2 Q How much did you make in the last year working
3 at Geauga County Humane Society?

4 A If I remember correctly, approximately
5 \$127,000. Or you know, that was my last year
6 of my full time employment.

7 Q Have you held any volunteer positions related
8 to animal welfare?

9 A I sat on the board of the Neighborhood Pets
10 Organization in Cleveland, Ohio. I was a
11 member of the Animal Community Emergency
12 Rescue Organization in Geauga County. I was a
13 member of the advisory board to the
14 Veterinarians Association in New York State.
15 I was also on the Board of Directors of
16 Federated Humane Societies of Ohio.

17 Q What about some organization called Animal
18 Welfare Foundation or it's some kind of animal
19 welfare? I believe you were President on that
20 for a while. Do you recall that? Animal
21 Welfare Federation, it's an Ohio organization.

22 A I do not recall that being the case.

23 Q So we're going to talk, obviously, only about
24 the time frame you were there, because you
25 can't speak about the time frame after you

1 were there. So all my questions are geared
2 towards that, just so we don't have to say
3 every time while you were there; I don't have
4 to preface it.

5 So in the last year you were there,
6 what were the assets, if you know, of Geauga
7 County Humane Society?

8 MR. BARINGER: Objection. Hope, you
9 can answer when I say objection. I'm just
10 preserving the record. So if I say objection,
11 you go ahead and answer anyway.

12 A I don't remember the details.

13 Q When I say does Geauga County receive any
14 government grants, it's obviously referring to
15 the time frame that you were there. So during
16 the time frame you were there, did Geauga
17 County Humane Society receive any government
18 grants?

19 A No.

20 Q Is the sole source of money that the Humane
21 Society receives solely through donations?

22 A No.

23 Q What are the other sources?

24 MR. BARINGER: Objection. You can
25 answer.

1 A Grants and foundations.

2 Q Have you received any grants from ASPCA or
3 HSUS?

4 A Oh boy.

5 Q If you remember, obviously. If you don't,
6 then just it.

7 A I don't remember.

8 Q You were the Executive Director during the
9 entire time you were employed by the Humane
10 Society, correct?

11 A Correct.

12 Q Was one of your duties as the Executive
13 Director to insure compliance with applicable
14 laws, regulations and organizational policies?

15 A Yes.

16 Q Was one of your duties to work with staff to
17 insure adherence to applicable laws,
18 regulations and protocols?

19 A Could you explain protocols?

20 Q It comes from your website, so I'll delete it,
21 but let me re-ask the question.

22 Was one of your duties to work with
23 staff to insure adherence to applicable laws
24 and regulations?

25 A Yes.

1 Q Can you identify your duties as the Executive
2 Director of the Humane Society?

3 A My duties included giving oversight to the day
4 to day operations of Geauga Humane Society's
5 Rescue Village. Those duties included
6 insuring that the determined high level
7 quality standards of care are made available
8 and implemented for all animals, regardless of
9 species, age or medical condition. My duties
10 also included giving oversight to the day to
11 day financial operations, the day to day
12 actual building maintenance and functioning,
13 the day to day whatever human resource issues
14 might come up; to be a liaison and execute the
15 direction of the Board of Directors or
16 Trustees, as they refer to them, I still
17 believe, at Rescue Village; to be involved and
18 give levels of advice and oversight to the
19 humane law function that Geauga Humane carried
20 out on behalf of the courts of Geauga County.

21 Q When you say Rescue Village, you mean Geauga
22 County Humane Society?

23 A I will use that, just as you are, that we are
24 talking whatever phrase to be the same
25 organization.

1 Q Sorry for interrupting you. Go ahead.

2 A That's okay. I was responsible for overseeing
3 fundraising and development. I was
4 responsible for giving oversight to the
5 development of new programs and services for
6 the organization.

7 Q Is one of those duties to monitor animal
8 welfare issues and insure compliance with
9 applicable laws, regulations and
10 organizational policies?

11 A Absolutely.

12 Q One of your duties is to conduct annual
13 employee reviews, correct?

14 A No. The only employees that I had
15 responsibility for evaluating were direct
16 reports to me.

17 Q Is a humane agent a direct report to you?

18 A Yes.

19 Q So Christian Courtwright directly reported to
20 you?

21 A Yes.

22 Q So you're his immediate supervisor?

23 A I was.

24 Q Did you have a supervisor when you worked
25 there?

1 A I reported to the Board of Trustees.

2 Q Have you ever disciplined any humane agents?

3 A What do you mean, disciplined?

4 Q Do you know what disciplined means?

5 A It means different things in different
6 circumstances.

7 Q What does it mean to you?

8 A I think discipline means when you begin to
9 enter a hierarchy of possible actions that
10 need to be taken to either help improve
11 performance or to look at are there any other
12 steps that need to be taken to both protect
13 the agency, as well as to protect the rights
14 of every employee.

15 Q What you just said, was any of that conducted
16 with Christian Courtwright?

17 A Discipline, no.

18 Q How many humane agents worked for Geauga
19 Humane Society when you worked there?

20 A We had one humane agent appointed by Judge
21 Grendell in the Geauga courts.

22 Q That's Christian Courtwright?

23 A Correct.

24 Q I'm going to talk a little bit about training.
25 Do you know what the word, training, means?

1 The reason I ask is because in your
2 interrogatories, you indicated it was an
3 ambiguous --

4 A No, that was discipline, not training. We
5 haven't talked about training.

6 Q No, in your discovery responses, you said the
7 word, training, was vague and ambiguous. Do
8 you know what training means?

9 A I believe that training has different
10 applications for different positions. So for
11 example, no one can be certified by the Court
12 of Geauga County to be a certified humane
13 agent without a certain basic and ongoing
14 training. Training consists of the OPOTA
15 training, which you know what that is, in the
16 State of Ohio, and that training, which was
17 not mandatory, but we viewed it as essential,
18 was to have ongoing advanced education to
19 insure of being -- the ability to be both
20 compliant with the law and to be compliant
21 with due process, to know which decisions can
22 be made by a humane agent, which can be made
23 by a court, and training in investigatory
24 techniques. Yes, that's what would apply to
25 humane agents.

1 Q Do you have training in legal research?

2 A I actually had training, many, many years ago
3 in Berkeley, California at the University of
4 California, Berkeley Law School. But I am not
5 a legal researcher. For that, we relied on
6 legal advice.

7 Q What continuing education do Geauga County
8 humane agents receive, continuing education?
9 Like in law, we have CLEs, continuing legal
10 education. What kind do they receive?

11 A When I was at Geauga Humane Society, we
12 invested in ongoing training. I don't
13 remember the name. It was a very renowned
14 organization nationally, that humane agents
15 would go to. I think it was called Code 3,
16 but I'm not positive that that was the name.
17 There were also ongoing continuing education
18 in humane law in the State of Ohio and
19 opportunities would come up coming from
20 various places within animal welfare,
21 including national conferences, etcetera.

22 Q So during your time at the Humane Society, did
23 you receive any formal or informal training
24 related to the Constitutional laws applicable
25 to your duties or duties of people who you may

1 have supervised?

2 A No.

3 Q Did you receive any training in statutory and
4 case law related to animal welfare and humane
5 law enforcement?

6 A I would not call it training. I would call it
7 generally educational offerings that were made
8 to learn about what cases were most prominent
9 in animal welfare, what trends, when it came
10 to humane law enforcement were going on, which
11 varied by state.

12 Q Who would give that training to you?

13 A That training might come from HSUS. It might
14 come from legal authorities who deal with
15 prosecutions of humane law cases. It might
16 come from other organizations that offer
17 training in those kinds of issues.

18 Q During your time at the Humane Society, did
19 you understand the relevant statutory and
20 Constitutional laws as they pertain to humane
21 agents' inspections on people's property or
22 humane agents entering onto people's property?

23 A Could you rephrase the question?

24 Q As it relates to humane agents entries onto
25 private property, during your time there, did

1 you understand what statutes applied to that
2 kind of action by a humane agent, and what
3 Constitutional laws might apply to those types
4 of activities?

5 A I believe so.

6 Q Would you consider a humane agent a law
7 enforcement officer?

8 A Yes.

9 Q So when I use law enforcement, I'm referring
10 to humane agents, as well, just so you know.

11 Have you received any training on
12 humane agents or law enforcement entering onto
13 a person's property?

14 A I am familiar with that, yes.

15 Q What training did you receive?

16 A I received training from prosecutors in Ohio
17 who would prosecute humane law cases and I was
18 also familiar with the basic training that
19 humane agents throughout the State got about
20 plain view doctrine, where you get search
21 warrants, what kind of reporting had to be
22 made, etcetera.

23 Q Have you given any training to Christian
24 Courtwright or did you give any training to
25 Christian Courtwright during your employment?

1 A Did I give any, directly from myself?

2 Q Yes.

3 A No.

4 Q Do you make sure that the humane agents
5 receive sufficient training to perform their
6 work?

7 A Absolutely.

8 Q Do you supervise these humane agents to make
9 sure they perform their work correctly? I
10 mean in terms of supervision. I understand
11 you're the supervisor. Let's ask this: How
12 closely do you oversee the activities of your
13 humane agents?

14 A How do you measure that? What are the
15 choices?

16 Q I don't know, once a week, once a month, once
17 a year, every day.

18 A It would depend on the case loads, the
19 particular cases. It could be every day. It
20 could be less often if there were no current
21 cases pending. It would certainly be more if
22 the case went to the point of going to the
23 court, or permission to go on property, or to
24 seize animals, etcetera.

25 Q Did Christian Courtwright receive intensive

1 government based training during your time
2 there?

3 A He met all of the standards in the State of
4 Ohio.

5 Q So that's yes?

6 A Yes.

7 Q If you know, what specific training did
8 Christian Courtwright receive regarding
9 statutory and Constitutional law matters?

10 A I cannot answer for him.

11 Q You're his supervisor though, right?

12 A But I'm not him.

13 Q Pardon?

14 A I said, yes, I was his supervisor, however,
15 I was not him. So I could insure that he did
16 the OPOTA training and I would, and we would
17 both, share information about upcoming
18 training, webinars, things that we thought
19 that we should also invest in, to make sure
20 that he was not only up to date, but in an
21 ongoing way, very clear about the requirements
22 for properly carrying out the Ohio humane law
23 statutes.

24 Q Have you heard of the word SOP before?

25 A As in standard operating procedure? Clearly,

1 I have.

2 Q Good. Does the Humane Society have SOPs
3 related to humane agents?

4 A Do you mean established practices?

5 Q Well, I mean SOP. I saw that word used on
6 some employment evaluations or reviews, and
7 you know what it means. Do you have any SOPs
8 related to humane agent activities?

9 MR. BARINGER: Can I just interject
10 for one second? I know at the beginning of
11 this, you said, limit your answer to the time
12 she was there. I just want the record,
13 because it says, do you have --

14 MS. HUTH: I know, I'm using the
15 present tense. I can use the past tense, but
16 I just want everyone to understand, she can
17 only answer to the time she's working there
18 anyway.

19 MR. BARINGER: You clarified it in
20 the beginning, I'm just --

21 MS. HUTH: If I'm using the
22 present tense, I mean for only the time you
23 were there.

24 By Ms. Huth:

25 Q So did you have SOPs at the time, I just don't

1 want to have to keep repeating that?

2 A Yes, we did.

3 Q Related to humane agent activities?

4 A Correct.

5 Q What are those SOPs?

6 MR. BARINGER: Objection.

7 A Well, they would include, notably, the
8 requirement that you need to go to the Court
9 for getting a warrant that allows you to enter
10 people's property. You need to use the
11 verdict of the Court in a cruelty case in
12 order to, for example, do follow-up, looking
13 to see what is going on, on that property, in
14 regards to the stipulations of the Court in
15 cases. We also followed strict protocols that
16 involved legal counsel in the Courts as a
17 requirement. That stood above anything that
18 Rescue Village would mandate itself.

19 Q So those SOPs, are they written SOPs, or are
20 they formal, are they informal, are they
21 written?

22 A I don't remember if we had them written, but
23 they are certainly formal in the sense that
24 there would not be a seizure of animals
25 without legal counsel and where required Court

1 order.

2 Q So they're formal SOPs, but they're not
3 written down; is that what you're saying?

4 A I don't remember if they were written down.

5 Q Have you specifically been taught or been told
6 or received training that you cannot enter a
7 person's property unless you have a warrant?

8 A We need to clarify that, because it is not a
9 requirement to get a court order, for example,
10 to knock on somebody's door and to inquire
11 about issues concerning animals. Or, for
12 example, our policy was to first, seek to
13 educate; to second, seek to practically assist
14 to keep people on the right side of the law
15 and, obviously for, also, the well-being of
16 the animals. The last step would be to
17 intervene legally.

18 Q Are those policies written policies?

19 A We have spoken about them in writing. We've
20 talked about them when we did education in the
21 community, about what is the role of the
22 humane agent, and we had an absolute value
23 placed on due process.

24 Q Were those written policies or unwritten
25 policies?

1 A They were spoken. I do not remember if they
2 were written policies, but they were certainly
3 clear standards.

4 Q How does a humane agent that works for Geauga
5 County Humane Society know about those
6 unwritten policies?

7 A Because humane law is a very serious
8 responsibility for the humane societies to
9 take up in the State of Ohio, and it is
10 imperative that discussions regularly take
11 place between the humane agent, whoever his or
12 her leadership is, as well as consultation
13 with lawyers.

14 Q So there's no written policy and the policy is
15 related to the --

16 A I do not remember if there is a written
17 policy, but there is certainly protocol that
18 has to be followed. So for example, in the
19 cold winter months, we would often, when
20 getting complaints about people keeping their
21 animals outside with inadequate shelter, we
22 could, to the best of our ability, distribute
23 igloos for dogs to stay in, and we would teach
24 people how do you keep those igloos a safe
25 place during bitterly cold weather. We would

1 ask and talk to people about establishing
2 running water, shelter, etcetera, for outdoor
3 animals, including horses and farm animals.

4 Q Are these protocols written protocols or
5 they're just something that --

6 A They are basic protocols that we very
7 consciously put into practice and gave
8 oversight to in all of the humane law work
9 that Geauga Humane Society took on for Geauga
10 County.

11 Q I understand that, but were they written
12 protocols?

13 A I've said, I do not remember.

14 Q I asked about policies before. I'm asking
15 about protocols now.

16 A I said I do not remember if they were written,
17 but they were certainly actively in use and
18 repeatedly stuck to.

19 Q Can you identify what training either you
20 received or Christian Courtwright received
21 that would have taught you or him about
22 probation inspections?

23 A It was always my understanding that permission
24 to do probation inspections were a matter for
25 the Court.

1 Q I understand that, but that's not what I
2 asked. I said, can you identify any training
3 that either you and/or Christian Courtwright
4 received regarding probation inspections?

5 A The training I received started at the Ulster
6 County SPCA and was repeated through
7 connection with the court, as well as with
8 legal counsel.

9 Q I understand that, but I'm going to ask you
10 the question; can you identify what training
11 -- let's go step by step. Have you received
12 any training related to a humane agent
13 entering a person's property to conduct an
14 inspection? I'm calling it --

15 A Yes, I did.

16 Q You did?

17 A Yes.

18 Q What training was that?

19 A The training that I received was required
20 education to be able to be awarded an animal
21 welfare -- the CAWA certificate, Certified
22 Animal Welfare Administrator.

23 Q So what specific training did you receive?

24 A I received training and education through the
25 Association of Animal Welfare --

1 Q I'm not asking where you received it. I'm
2 asking --

3 A I received it online.

4 Q I'm not asking where you received it. I'm
5 asking what training did you receive, specific
6 training?

7 A I received specific training from --

8 Q I'm not asking you from who you received it.
9 I'm asking you to tell me what training you
10 received regarding humane agents entering
11 private property to conduct a probation
12 inspection. What specific training, not who,
13 when, how.

14 A I can't answer your question, because without
15 the whos and wheres, there's no answer.

16 Q Then go ahead. Answer it with whos and wheres
17 if you're able to identify the training,
18 that's fine.

19 A The training that I received was from Animal
20 Welfare, based of lawyers and prosecutors from
21 training I received in Ulster County, from
22 training I received in order to be awarded a
23 certificate called the Certified Animal
24 Welfare Administrator Certificate.

25 Q I understand that, but my question to you is

1 what specific training --

2 A I have no further answer.

3 Q Did you receive training specifically related
4 to humane agents entering property to conduct
5 probation inspections?

6 MR. BARINGER: Objection.

7 A Yes.

8 Q What training was that?

9 MR. BARINGER: Objection.

10 Q Describe to me how you were trained in that
11 area?

12 A I was trained by being required to be tested
13 from --

14 Q I don't mean that. I mean, tell me how they
15 trained you. What did they teach you in the
16 training? What was taught to you related to
17 probation inspections conducted by humane
18 agents?

19 A My education trained me in understanding that
20 while a humane agent, who's certified by the
21 Court in the County where they will be
22 implementing, or charged with implementing
23 Ohio humane law statutes, that upon receiving
24 a complaint, complaint did not equal guilt,
25 but we had a responsibility to look into, and

1 sometimes that required a phone call,
2 sometimes that required a visit, that in order
3 to go anything beyond a visit to property, and
4 hopefully, either being able to legally view
5 the situation of animals, or be able to talk
6 to the owner, the property owner, the animal
7 owner, whoever was there, that to go any
8 further with any investigation, required Court
9 permission. Which we would go to the Court in
10 Chardon, Ohio, who would issue permission for
11 that. That was what I was taught.

12 Two, that in the wake of a guilty
13 verdict in the Court, it was up to the Court
14 to grant permission to do follow-up visits to
15 the place where the animals had been taken
16 from, to insure compliance with the Court
17 orders.

18 Q Do you consider those follow-up visits the
19 same thing as a probation inspection?

20 A I don't know how to answer that question.

21 Q Do you know what a probation inspection is?

22 A Would you tell me --

23 (Discussion off the record.)

24 Q Let's just quickly talk about Bianca
25 Marcellino. So when the Court ordered that

1 she has to subject herself to random
2 unannounced inspections and then Christian
3 Courtwright goes onto her property, do you
4 call that a probation inspection or do you
5 call that a follow-up? Just so I know what
6 words to use.

7 A I think that I would have referred to it as a
8 follow up to the guilty verdict.

9 Q Have you been trained about any, maybe, legal
10 constraints on follow-up -- should we call
11 them follow-up inspections just so we both
12 know what we're talking about; does that work?

13 A That's fine, sure.

14 Q Have you received any training as to what laws
15 are applicable to follow-up inspections?

16 A I have not received specific training because
17 we relied on the letter of the law that was
18 handed down in the event of animal cruelty
19 guilty verdicts in the Court itself.

20 Q The letter of the law meaning a Court Order?

21 A I mean, the decision --

22 Q The Court Order sentencing.

23 A The sentencing and the Court Orders or Court
24 permission, in this case.

25 Q You're calling that the letter of the law?

1 A I have typically thought -- I have never
2 called that the letter of the law. I just
3 looked at it as, in the case of
4 Ms. Marcellino, two guilty verdicts in animal
5 cruelty and then sentencing by the judge,
6 which included permission to do follow-up
7 visits, unannounced, without stipulations to
8 how many or time frame.

9 Q Could you identify any training that Christian
10 Courtwright has received in follow-up
11 inspections? And when we say follow-up
12 inspections, we mean inspections conducted by
13 the humane agent after sentencing, just so
14 we're all on the same page.

15 A Well, it wasn't just after sentencing. It was
16 follow-up inspections, whatever language you
17 want to use, based on the Court, not on
18 Christian.

19 Q Right. So can you identify what training
20 Christian has received as to what laws apply
21 to follow-up inspections?

22 A I think he's received training through ongoing
23 education and through many, many, many years
24 of experience, including in Geauga County and
25 working with prosecutors, as well as the

1 courts.

2 Q So he has received training in what laws apply
3 to follow-up inspections?

4 A What I said is, I cannot answer as to whether
5 he's received, for example, went to a class
6 with certification. What I'm saying is when
7 you are very concerned with due process and
8 sticking to the letter of the law, you learn
9 through repeated experience what you can do
10 and what you cannot do, and we were very
11 serious about staying in compliance, both
12 because we worked with the legal system of
13 Geauga County. Without them, we have no power
14 to do any follow-up visits. That was their
15 decision and we implemented that right.

16 So I would say that if you do this work
17 and you believe, as we do or did -- I can't
18 really speak for now, but I would assume it
19 hasn't changed, that in the implementation of
20 something like follow-up visits, you also have
21 to be very cognizant and respectful of due
22 process for not just the accused, but the
23 convicted.

24 Q Are you aware if Christian Courtwright has
25 received any training related to follow-up

1 inspections, any formal training? I stress
2 that as formal training.

3 A Which means what?

4 Q Has 1Christian Courtwright received any
5 training related to follow-up inspections?

6 A Yes.

7 Q What specific training has he received?

8 A One, he received training through the act of
9 actually carrying out his job according to the
10 law, and understanding what that law gave him
11 permission to do and what that law did not
12 give him permission to do. That would fit
13 into your definition of formal training.

14 Q Do you recall producing some documents in the
15 discovery responses that related to what
16 training Courtwright has received, Animal
17 Agriculture 101, Animal Control Officer
18 Training Manual; do you recall those?

19 A I do not recall.

20 Q Do you know what training Courtwright
21 received, what formal training Courtwright
22 received?

23 MR. BARINGER: Objection. You can
24 answer, again.

25 A The memory I had of his training is the OPOTA

1 training, ongoing continuing education both in
2 the State of Ohio and national.

3 Q Can you identify which training specifically
4 trained him in follow-up inspections?

5 MR. BARINGER: Objection. You can
6 answer again.

7 A My memory includes what I've told you.

8 Q So nothing else to add?

9 A I don't remember beyond that, no.

10 Q I might have asked you this, but you don't
11 create training and provide training to the
12 employees of the Humane Society, correct?

13 A We do.

14 Q I'm asking you, as the Executive Director, did
15 you create any training that you then provided
16 to the humane agents or was their training
17 fully --

18 A Oh. One, we only had one humane agent. Two,
19 I did not provide training, I provided
20 oversight.

21 Q Were there any financial constraints as to
22 what training you or Christian Courtwright
23 might want to take, in terms of the expenses
24 of the training or could you and Christian
25 Courtwright have taken any training that you

1 had chosen? Or were there financial
2 constraints?

3 A Well, I don't think those are the two choices.
4 I think that the decisions when it came to
5 budget matters were, one, we took great pride
6 in having accepted the responsibility that the
7 State of Ohio offers for humane societies to
8 be in charge for assuring the enforcement of
9 Ohio humane law statutes. When and where we
10 deemed it important to get training, we would
11 work to make sure that that training was
12 available.

13 Q So if you believed that they needed the
14 training, there were no financial constraints?

15 A I was there for many, many years and you'd
16 have to look at the budget for each year. If
17 there are constraints, they had the potential
18 to be bypassed, they had the potential to be
19 fund raised for, but in general, Rescue
20 Village was very fortunate and was able to,
21 for example, send Christian to Code 3 advanced
22 training, multiple times. That is a very
23 expensive proposition, but well worth it and
24 highly respected.

25 Q In that advanced training, did he learn about

1 probation inspections or follow-up
2 inspections?

3 A I do not know.

4 Q But you were his supervisor, correct?

5 A I did not attend the trainings.

6 Q You didn't know what he was being taught?

7 MR. BARINGER: Objection. Go ahead.

8 A You know, if I knew what was being taught, it
9 would be in broad strokes, by looking at the
10 booklet that they put out. That covered a lot
11 of ground, and no, I am not aware of the
12 details of that training.

13 Q How do you know, if you're not aware of what
14 training he did or did not receive, how do you
15 know whether or not he was receiving training
16 that would cover all aspects of humane law?

17 A Because if you work in animal welfare for well
18 over a decade, you become very familiar with
19 what are the really top notch offering, what's
20 most respected in the field, and that's how I
21 knew that it was worthwhile and worth both,
22 the financial investment and the time.

23 Q But you don't know if that training educated
24 him on follow-up inspections or probation
25 inspections, correct?

1 A I don't know, and if I did know, I no longer
2 remember the details.

3 Q Who pays Christian Courtwright; is that Geauga
4 County Humane Society or does the County pay
5 for him?

6 A The County pays, I think when I left,
7 approximately \$25-50 a month, maybe it could
8 have been a little higher. But the humane
9 agents in Ohio who are in counties where the
10 humane societies have taken responsibility
11 through the courts, are paid by the humane
12 society itself.

13 Q So the Humane Society does receive some
14 government funding then, correct?

15 A Possibly when I was first there, \$250 a year.

16 Q So when you said that they don't receive
17 government funding, you forgot about that the
18 humane agents are paid by the County?

19 MR. BARINGER: Objection.

20 A You know what, if you want to say that I'm
21 skirting the government funding, then --

22 Q I'm not saying you're skirting anything.

23 A No, let me finish. I'm saying that paying
24 humane agents so that they can actually live
25 and do their work is on the responsibilities

1 of the humane societies, and we took that on
2 voluntarily and gladly.

3 Q So Christian Courtwright does receive some
4 money from the government, correct, for his
5 salary, or Geauga County Humane Society
6 receives government money to pay for --

7 A No, Geauga County Humane Society receives
8 nothing from the government.

9 Q So Christian Courtwright receives it directly
10 from the County?

11 A His \$25-50 or whatever, correct.

12 Q They send it straight to him, not to the
13 Humane Society?

14 A That's correct, to the best of my
15 recollection.

16 Q Would you consider Christian Courtwright to be
17 a probation officer, as part of his duties?

18 MR. BARINGER: Objection. You can
19 answer if you know.

20 A A probation officer is an actual officer of
21 the Court. Christian Courtwright was
22 certified by Judge Grendell, to be a humane
23 agent for the purposes of enforcing Ohio
24 humane law statutes in Geauga County, with no
25 jurisdiction outside of that county.

1 Q Would you agree that Bianca Marcellino, from
2 the point that she was sentenced forward to
3 the current date, that she is a probationer?

4 MR. BARINGER: Objection. You can
5 answer.

6 A I don't recall the Judge's language in that.

7 Q Do you know what the word, probationer, means?

8 A Probationer?

9 Q A person who's on probation. Do you know what
10 a person who's on probation; do you know what
11 that means?

12 A Only the fact from knowing some people who
13 have been on probation.

14 Q What does it mean that they are on probation?

15 A Well, typically, it would mean that you would
16 have to report to a probation officer and keep
17 them abreast of whereabouts, employment, and
18 sticking with whatever the stipulations of the
19 probationary period.

20 Q Do you know what community control means?

21 A Of the police?

22 Q No. Do you know what the two words mean,
23 community control?

24 A I only know it only in the context of saying
25 community control has been existing when it

1 comes to monitoring police brutality,
2 community control --

3 Q No, that's not what I'm referring to, sorry.

4 A I don't know what you're referring to.

5 Q Are you aware that Bianca had certain
6 community control conditions as part of her
7 sentence?

8 A I do not remember.

9 Q You mentioned something about Christian
10 Courtwright having the authority from the
11 Court to conduct random and unannounced
12 inspections, correct?

13 A Correct.

14 Q Was that a condition of her community control
15 or probation terms?

16 A I'm not aware, nor do I remember, if that term
17 was used.

18 Q When Christian Courtwright enters a
19 probationer's property or a person under
20 community control, who is his supervisor when
21 he's performing that actual act?

22 A Since I don't know what community control
23 means, I can't answer that question and I do
24 not remember if the term, probation, was used
25 in relationship to Bianca Marcellino. I can't

1 answer the question. I'm unable to.

2 Q So when Christian Courtwright enters Bianca
3 Marcellino's property to conduct these follow-
4 up inspections, are you his supervisor for
5 that specific act of entering her property to
6 conduct a post sentencing follow-up
7 inspection?

8 A I give definite oversight to it and get
9 reports about it.

10 Q So you are his supervisor for that activity,
11 is what you're saying?

12 A I was always his supervisor, except I would be
13 trumped by the Court, the prosecutors and the
14 law. That's what I had to answer to, as well
15 as the Constitution, County decisions and the
16 County Court system and legal advice.

17 Q So who told Christian Courtwright to conduct a
18 follow-up inspection on Bianca's property?

19 A The Court gave Christian Courtwright the right
20 to do that and it was our expectation that
21 since recidivism is highly likely, not
22 inevitable, but highly likely in the case of
23 people convicted of multiple counts or any
24 counts of animal cruelty, that is an important
25 right in this case that the Court offered in

1 order to make sure that there was no further
2 cruelty to other animals.

3 Q So when you say that there's a high rate of
4 recidivism, is that a statistic that you got
5 from somewhere?

6 A From years and years and years of doing this.
7 But as I said, you can't assume that with
8 anybody. It's not an assumption. That would
9 not only be just unfair, but it is not the
10 case in all cases. Some people learn from
11 their mistakes and they change their ways. In
12 this case, if I remember it correctly, Bianca
13 Marcellino was forbidden from having horses on
14 her property, caring for them, etcetera. That
15 was important to make sure that that decision
16 of the Court was honored.

17 Q So because of recidivism, that's why Christian
18 Courtwright came onto Bianca's property after
19 she was sentenced to conduct the follow-up
20 inspections?

21 MR. BARINGER: Objection.

22 A No. No, that's stringing together what I'm
23 saying. I'm saying the Court gave that
24 permission for a reason. I don't fully get
25 inside the head of a judge, because the Judge

1 is an independent part of the process of
2 humane law enforcement in the State of Ohio.
3 She was found guilty. The Judge allowed
4 follow-up visits, unannounced and without a
5 limit on how often. We're in that situation
6 of an accusee being found guilty. We didn't
7 find her guilty. She was found guilty in a
8 court of law and given our charge, because we
9 are also responsible to the State of Ohio, and
10 if we do not insure that we enforce anti-
11 cruelty law and make sure when the Court gives
12 permission, that those offenses are not
13 repeated, which you do not know until you do
14 these kinds of follow ups.

15 Q So you're saying that Christian Courtwright
16 has permission from the Court to enter Bianca
17 Marcellino's property to conduct a follow-up
18 inspection; is that what you're saying?

19 A Yes.

20 Q I'm wording that correct?

21 A Yes.

22 Q What happens if a Court order was contrary to
23 what the law allowed, would Christian
24 Courtwright still follow the Court order?

25 MR. BARINGER: Objection. You can

1 answer.

2 A I would say this, if that is an issue, it is
3 not for Geauga Humane, myself or Christian to
4 determine if a Judge's order is incorrect.

5 Q So you follow the Judge's order regardless,
6 whether or not it is correct or not under the
7 law?

8 A Well, look, people violate the law when it
9 comes to animal cruelty whether they're
10 correct in doing so or not, whether they're
11 aware of it or not.

12 Q I'm not asking about other people. We don't
13 have another time.

14 A I'm making analogy. A judge in any particular
15 animal cruelty case, if you think that they're
16 wrong in doing that, it would be up to you to
17 take it up in a court of law, not up to Geauga
18 Humane Society or a humane agent.

19 Q So regardless of whether or not the Court
20 order follows the law or not, Geauga County
21 Humane Society, it's humane agents, and you,
22 will follow the Court order?

23 MR. BARINGER: Objection.

24 A Are you asking me if Geauga Humane would
25 overrule a Court order?

1 Q No, that's not what I'm asking. I'm asking if
2 you would follow a Court order that violates
3 the law?

4 A I'm not aware of any Court order in this that
5 requires which violated any law.

6 Q But I'm asking you if the Court order was
7 contrary to Constitutional law or statutory
8 law or case law, correct me if I'm wrong, your
9 testimony is that you would follow that Court
10 order, correct?

11 A I would say this, that the starting point when
12 you leave the court of law with a guilty
13 verdict, is that it's a legitimate verdict and
14 the very common permission to grant follow-up
15 visits is within the legal purview of the
16 Judge's.

17 Q So you're saying that the Court order we're
18 referring to in Bianca Marcellino's case that
19 says random, unannounced inspections should
20 occur, that it doesn't matter if it violates
21 the law because it's in the Court order that
22 Christian Courtwright --

23 A It's a totally loaded question because what
24 you're implying is that the posture of all the
25 lawyers and of the humane agencies they work

1 for is not to trust the County Courts in
2 determining legally, fairly, what is both, and
3 if there's a trial and a jury, the jury
4 determined that. If that were the stance in
5 terms of it, we would have total chaos. We
6 understand that cruelty to animals is a real
7 thing, unfortunately. Everyone wishes it
8 different.

9 Q I hate to interrupt you, but I'm going to
10 depose you for seven hours if needed, because
11 that's allowed by the federal rules.

12 A I've got seven hours.

13 Q I'm asking you a question and you're talking
14 about all these other things. Maybe you
15 should just focus on my answer.

16 A They're the same question. Because it has
17 never been up to you, me or anyone on this
18 screen to determine whether or not the Court
19 was in violation of the United States
20 Constitution. If that is an issue to
21 somebody, they need to take it up with the
22 Court, not with me.

23 Q You and Christian Courtwright will abide by
24 the Court order regardless of whether not; is
25 that correct?

1 MR. BARINGER: Objection.

2 A I cannot give you the answer that you want.

3 Q You don't know what answer I want.

4 MR. BARINGER: Objection, she's
5 answered it.

6 A I think I've answered your question, is that
7 if you believe that that order was in
8 violation of the Constitution, take it up with
9 the Court.

10 Q I'm not asking if I believe. I'm asking if
11 you believe it was in violation of the
12 Constitution -- (voices interrupting each
13 other) -- I'm not done.

14 If you believed it was violation of the
15 Constitution or if Christian Courtwright
16 believed it was in violation of the
17 Constitution, will you still, nevertheless,
18 follow that Court order?

19 A You just asked two different questions. One
20 was, did you believe it was in violation --

21 Q No, I said if you did believe it was in
22 violation. You did not believe the Court
23 order was in violation of the Constitution,
24 correct?

25 A Correct.

1 Q You did not believe the Court order was in
2 violation of any statutory Ohio laws, correct?

3 A Correct.

4 Q You did not believe that the Court order
5 violated any case law in Ohio, correct?

6 A Correct, but I am not a lawyer and I wasn't
7 prosecuting in Court.

8 Q But you're supervising Christian Courtwright,
9 correct?

10 A But Christian Courtwright was not responsible
11 for whether or not the Court in Chardon, where
12 case law is a massive issue when it comes to
13 any law, no less humane law. I am saying to
14 you that we believed that the Court was
15 legitimate, that due process was honored and
16 that the right to do follow-up visits on
17 people convicted of animal cruelty in this
18 case was legitimate and that we had an
19 obligation to our duty to do and conduct
20 follow-up visits.

21 Q Can you identify for me, just list what formal
22 written policies and procedures that the
23 Humane Society has? For example, I believe
24 you have a manual handbook. Would you
25 consider that employee policy?

1 MR. BARINGER: Objection.

2 MS. HUTH: I know asked multiple
3 questions.

4 Q Is the employee handbook a policy?

5 A It depends.

6 Q It depends on what?

7 A What topic you're talking about.

8 Q I'm talking about the employee manual
9 handbook. Does that contain policies?

10 A The employee manual was by and large, an HR
11 manual for employees, in my recollection.

12 Q At the time you worked there, did that
13 employee manual include the public records
14 policy?

15 MR. BARINGER: Objection.

16 A I don't remember. It was a big manual.

17 Q Do you know what a policy is?

18 MR. BARINGER: Objection.

19 Q When I ask you if you have policies and
20 procedures, do you understand what I mean?

21 A I believe I do.

22 Q So would you consider the employee manual to
23 be a policy?

24 A I consider an employee manual to be an HR
25 requirement for any sized organization that

1 has employees. That stipulates everything
2 from vacation policy, any kind of --

3 Q I'm not asking about that.

4 MR. BARINGER: Objection. She's
5 answering the question.

6 MS. HUTH: There's a time limit
7 here in this deposition.

8 A Wait, wait, wait. The employee manual -- I've
9 got seven hours, okay. I've got eight.

10 Q You're not answering the questions.

11 A I'm answering your question. The employee
12 manual, as I recollect, at Geauga Humane
13 Society, Rescue Village, the last time it was
14 revised, it was done through an
15 HR professional, human resources. That's what
16 the employee manual focused on, everything
17 from overtime and vacation pay, to what an
18 employee does with a grievance, to all of
19 that. It was something every employee was
20 given. Every employee had to sign off that
21 they reviewed it with somebody and were clear,
22 and we encouraged every employee to utilize
23 it.

24 Q Does Geauga County Humane Society, at the time
25 you worked there, have any policies and

1 procedures related to humane law enforcement?

2 A We did have, obviously, approaches that we
3 took regularly and carefully. So for example,
4 we would not have gone ahead with the seizure
5 of Bianca Marcellino's abused animals without
6 permission of the Court. So I would say if
7 you want to constitute that as a policy, that
8 is my commitment and it was our commitment as
9 an agency, and Christian had a commitment to
10 due process. We did not give in to public
11 pressure to prosecute. We did not prosecute
12 under all --

13 Q I'm not asking --

14 A These are policies. These are how we
15 operated, consistently.

16 Q Are they written policies?

17 A I do not recall, as I said, I don't know, an
18 hour ago.

19 Q I'm asking you if the one you just described,
20 is there a written policy on that?

21 A I am going to repeat; I do not recall.

22 Q Any other policies?

23 MR. BARINGER: That's so vague.
24 She's answered about these policies.

25 MS. HUTH: I'm asking are there

1 any other policies.

2 MR. BARINGER: You've asked it --

3 MS. HUTH: Talking objections
4 are not allowed.

5 By Ms. Huth:

6 Q Hope, are there any other policies and
7 procedures?

8 MR. BARINGER: Objection.

9 A In general, we have, for example, we have --

10 Q No, I'm asking. No, my question --

11 A Don't interrupt me before I answer.

12 Q My question was not in general. My first
13 question was are there any policies and
14 procedures related to humane law enforcement.
15 That remains my question.

16 MR. BARINGER: She answered it.

17 Q I'm asking are there any others than the one
18 you just said?

19 A Well, yes.

20 Q Go ahead, tell me about them.

21 A If you do not have permission from the Court
22 to do follow-up visits, you may not do them.

23 Q Is that a written policy?

24 A I do not recall if these things were written,
25 but they were what we based ourselves on, over

1 and over, despite the bellicosity of people
2 who were accused, despite the --

3 Q Are there any other policies?

4 A Let me finish. Despite whatever people might
5 have wanted to do, we're guided by law.

6 Q Any other written policies or unwritten
7 policies related to humane law enforcement?

8 A Humane law enforcement, we had the policy of
9 seeking to do what we could to assist people
10 who we got complaints about.

11 Q Was that a written policy?

12 A I do not recall, but we practiced it
13 diligently. And that is very important
14 because we were not known for easily just
15 prosecuting everybody, because where we could
16 resolve things through verbal agreements with
17 people, education and practical assistance, we
18 did. For example, highly suggesting that a
19 veterinarian be brought in to certain cases --

20 Q Listen, I'm not asking about this.

21 MS. HUTH: Matt --

22 A You asked me about what we do.

23 Q I'm asking humane law enforcement, if there's
24 any written or unwritten --

25 A That is part of humane law enforcement, in the

1 viewpoint and practice of Geauga Humane. It
2 was based on due process. It was based on
3 education, assistance and prosecution where
4 necessary, in order to successfully and
5 dutifully enforce Ohio humane law statutes.
6 Which it was the State of Ohio, not Rescue
7 Village, who determined that that was by and
8 large could be in the hands of humane
9 societies.

10 Q Those are unwritten policies, correct?

11 A I do not recall.

12 Q So there might be those policies in writing?

13 MR. BARINGER: She doesn't remember.

14 A I taken the effort -- I don't remember.

15 MS. HUTH: She's a 30(b)(6)

16 witness here, Matt.

17 MR. BARINGER: She said she doesn't
18 remember.

19 THE WITNESS: What's a 30(6)(b)
20 witness?

21 MS. HUTH: Your attorney can
22 talk to you about that.

23 MR. BARINGER: Don't worry about it,
24 Hope.

25 THE WITNESS: Oh no, I'm not

1 worried about any of this. Look, I want to
2 share -- look I haven't been there for years.
3 I am trying to share with you honestly,
4 forthrightly and with great integrity, how the
5 humane law enforcement operated at Geauga
6 Humane Society. I cannot vouch for any other
7 humane society, but I can say that we were
8 highly respectful of due process and we were
9 highly respectful of our duty to Ohio State
10 humane law statutes.

11 By Ms. Huth:

12 Q So you don't know whether or not there's any
13 written policies and procedures regarding
14 entries onto private property?

15 A I do not recall.

16 Q So you do not know whether there's any written
17 or unwritten policies and procedures regarding
18 entries onto private property by humane
19 agents, correct?

20 A I do not recall, that is correct.

21 Q Are you a policy maker? Were you a policy
22 maker during your time at the Humane Society?
23 Every question I ask is solely during your
24 time at the Humane Society.

25 A Of course. Well, I was part of making policy.

1 Policy is generally not a thing that belongs
2 in the hands of one person. So for example,
3 policy about decisions on euthanasia of
4 animals we did by committee. We had certain
5 viewpoints, for example, suffering of animals
6 that had no good outcome, despite whatever
7 care might be offered to that animal.

8 MR. BARINGER: Hope. She just asked
9 if you were a policy maker. You answered, you
10 said you were one of --

11 THE WITNESS: A part of it. I was
12 a part.

13 MR. BARINGER: Part of it. Let her
14 ask her next question.

15 Q Did you ever have any committee meetings about
16 policy related to humane agents entering onto
17 private property to conduct follow-up
18 inspections?

19 A Did I ever have discussions with more than
20 just Christian?

21 Q No, I asked did you ever have any committee
22 meetings on creating policy regarding humane
23 agents doing follow-up inspections on private
24 property?

25 A No.

1 Q So do you have any written or unwritten
2 policies related to humane agents conducting
3 follow-up inspections on private property?

4 A I do not recall.

5 Q So how does a humane agent that you supervise,
6 meaning specifically Christian Courtwright,
7 know what the parameters are when he goes and
8 does a follow-up inspection?

9 A One, he has to have permission of the Court.

10 Q So that's the only deciding factor, correct,
11 is if he has permission of the Court that he
12 can go onto the property?

13 A If he has permission of the Court, he can
14 conduct a follow-up visit, unannounced in this
15 case.

16 Q In this case and in other cases too, correct?

17 A It really depends on the case and the decision
18 of the Court.

19 Q Do you know the dates that Christian
20 Courtwright entered onto Bianca's property
21 after she was sentenced?

22 A No, I do not recall.

23 Q But you do know that he entered Bianca's
24 property after she was sentenced, correct?

25 A After she was sentenced and got permission to

1 do follow-ups, yes.

2 Q So after she was sentenced, you were aware
3 that Christian Courtwright entered onto
4 Bianca's property, correct?

5 A After she was sentenced and there was
6 permission from the Court to do follow-up
7 visits, yes.

8 Q That permission from the Court came in what
9 form, the Court orally told him that, an
10 orally told you that or they put it in
11 writing?

12 A I do not recall.

13 Q So if a Court orally tells Christian
14 Courtwright he can do random, unannounced
15 inspections onto someone's property, then
16 that's acceptable to you and to the Humane
17 Society?

18 MR. BARINGER: Objection.

19 A What's a Court orderly?

20 Q You don't know what Court order means?

21 A Oh, Court order. I thought you said orderly,
22 I'm sorry.

23 If there is a written order from the
24 Court, permission from the Court, then yes.

25 Q Was there written permission from the Court in

1 Bianca's case?

2 A I believe so, but I don't recall.

3 Q When you worked there, would you have known
4 whether there was a written order?

5 A If I knew that, then I would have recalled the
6 answer to this past question.

7 Q As his supervisor and the Executive Director
8 of the Humane Society, you would have wanted
9 to see what it said in writing prior to him
10 entering someone's property --

11 A And I may well have. I don't recall.

12 Q Have you ever read any case law? Have you
13 ever read any cases before? Have you ever
14 read any legal cases before?

15 A By reading them, what do you mean?

16 Q Have you had a legal case in front of you and
17 put your eyes on it and read it?

18 A Yes.

19 Q Was that during your time at the Humane
20 Society you read case law?

21 A I am going to answer yes, but I don't remember
22 the details.

23 Q Did you ever read any case law related to
24 conducting inspections on someone's property
25 who has been sentenced?

1 A As I just said, I don't recall.

2 MR. BARINGER: Hope, you doing okay
3 or do you need a break?

4 THE WITNESS: I'm fine. Probably
5 in about 15 minutes, I need to use the
6 restroom.

7 MS. HUTH: I'll take a quick
8 break too for that too. We can do it at the
9 same time.

10 Q Would you agree that one of Christian
11 Courtwright's duties is to stay current on
12 case law and statutory law as it develops?

13 A I'm not sure what I think of that or what
14 I thought of that. I don't really recall. I
15 believe that, as you well know, animal welfare
16 case law in the State of Ohio is very
17 controversial.

18 Q I'm not asking about any controversial law.
19 I'm simply asking is whether or not one of
20 Christian Courtwright's duties, at that time
21 that you were there, obviously, that's what
22 we're talking about this entire deposition,
23 one of his duties is to stay current on case
24 law development, whether new laws come into
25 play, that that's one of his duties is to stay

1 current?

2 A Certainly, yes, and he kept very abreast of
3 any new laws, any new legislation, pending and
4 whatnot, and also because -- yes.

5 Q Was that one of your duties too, to stay
6 current on case law and statutory
7 developments?

8 A I stayed as up to date as I could.

9 Q How would you stay up to date; would someone
10 tell you about it or would you go onto Lexis
11 and research it, or would you read a paper, or
12 how does that work?

13 A It worked for me in several ways. I was on
14 the board of what was then called Ohio
15 Federated Humane Societies, and we regularly
16 stayed abreast of developments at the
17 statehouse concerning laws, legislation, House
18 Bills, etcetera, what they were what the
19 implications were. At times, we would issue
20 position papers as Ohio Federated Humane
21 Societies. These could range on many
22 different aspects of humane law and I would do
23 it by reading. I would do it by discussions
24 and meetings. I would do it, if necessary, by
25 contacting our lawyer to learn more and I

1 tried to stay above the breast of it, while
2 not losing our focus on actually enforcing
3 humane law. You know, it's a big county for
4 one humane agent to cover.

5 Q So then would you go to Christian Courtwright
6 and tell him about these develops or would he
7 do his own independent learning?

8 A I think there was both.

9 Q How did he do his own independent learning; do
10 you know?

11 A I really couldn't tell you since it was
12 independent.

13 Q But you're his supervisor, right?

14 MR. BARINGER: Objection. Is there
15 a question?

16 A I don't know your point or your question.

17 Q So I'm asking, but you were his supervisor,
18 correct?

19 A We've already established I was his
20 supervisor.

21 Q So you would tell him about changes of law,
22 like meet with him on a weekly basis or
23 monthly basis, just depending as needed; is
24 that how that worked?

25 A He was kept abreast of major things I learned,

1 and especially through the statewide
2 organizations who were very cognizant of what
3 was going on in Columbus, and we obviously
4 followed cases that involved other humane
5 societies, outcomes if there were any.

6 Q Did you have access during your time at the
7 Humane Society to Lexis and Westlaw?

8 A Not directly.

9 Q Does Christian Courtwright?

10 A I don't know.

11 Q Did Christian Courtwright during the time that
12 you worked there?

13 A I don't know.

14 Q You're his --

15 A I don't know. It's not just I don't recall; I
16 don't know.

17 Q Christian Courtwright does not supervise
18 anyone, correct? Or did not. Obviously, I'm
19 talking about the time that you were there.

20 A We had somebody who didn't assist in
21 prosecutions, but occasionally, if we found 25
22 abandoned sick cats, we had somebody who
23 assisted with bringing those cats into the
24 shelter, and especially when we didn't even
25 know who the owner of those cats was.

1 Q So he would supervise those people?

2 A He would be part of that. It was quite a
3 group effort. To seize animals takes a lot of
4 different people and jobs coming together to
5 work on behalf of the animals.

6 Q So for example, if you were aware that
7 Christian Courtwright was doing something
8 incorrectly, you would address with him, I
9 assume; would you agree?

10 A Yes.

11 Q Do you recall any times where you addressed
12 any issues with him related to his report
13 writing, maybe, or anything like that?

14 A The one issue that I addressed with Christian,
15 and I'm not laughing at your question, was the
16 need to improve communications. Inside the
17 shelter, because this has to do with that, if
18 you brought in 125 dogs from one house, a
19 great amount of coordination had to take
20 place, and that coordination had to start to
21 go into gear including as a possibility as
22 soon as you knew it. You needed to get the
23 clinic involved. You need to get animal care
24 attendants involved. You need to do all of
25 that. So communications is very critical for

1 a humane agent, that over the course of a
2 year, may or may not bring in large numbers of
3 animals in various health conditions.

4 Q You conducted annual performance evaluations
5 with Christian Courtwright, correct?

6 A Correct.

7 Q Do you recall any issues with him, such as
8 failure to keep reports or logs or anything
9 like that?

10 A There was the communication issues and one of
11 the thing that -- and this is a very
12 challenging things and I had a lot of sympathy
13 for him. When you have one agent to cover a
14 county and thousands upon thousands of animals
15 and potentially, and it would vary, hundreds
16 of complaints, it is very difficult to conduct
17 all of those that you need in the most timely
18 fashion. So my issue was not the quality of
19 reports, the quality of logs. There were
20 moments when I wished they had gotten filled
21 out quicker.

22 Q Other than that you're a defendant in the
23 Marcellino lawsuit, correct?

24 A This lawsuit, yes.

25 Q So other than this lawsuit, did you ever have

1 any notice that perhaps the random,
2 unannounced inspections might not be in
3 compliance with the law?

4 A I don't recall getting any notice of that at
5 all.

6 Q Did you authorize Christian Courtwright to
7 enter onto Bianca Marcellino's property after
8 she was sentence?

9 A The Court authorized it.

10 Q No, I'm asking if you authorized it.

11 A Did I give a nod to, yes, you may do this and
12 carry out a follow-up inspection, yes.

13 Q So you gave a nod to him is what you said?

14 A Yes.

15 Q Was that a nod, like a head nod or a yes, you
16 can go in?

17 A Well, you could follow the terms of
18 inspections, yes.

19 Q I'm not understanding.

20 A I'm saying the Court authorized him.

21 Q So you didn't authorize him?

22 A He didn't me -- he needed the Court to
23 authorize him. Without the Court, I had no
24 basis of authorizing him to do any of that.
25 That's on the Judge.

1 Q So you did not authorize him to enter onto her
2 property?

3 A I did not authorize him. I'm saying if I
4 authorized, and this needs to be clear,
5 permission to conduct such follow-up visits
6 must come from the Court. Having had that
7 given by the Court, and if I recall, the Judge
8 was Terry Stupica, having been given that
9 authorization, Christian would inform me, I'm
10 conducting a follow-up visit. By a nod, my
11 understanding was that it was authorized by
12 the Judge; it wasn't just something that we
13 dreamt up, and that by a nod, I would say,
14 okay.

15 Q So Christian would say, I'm going to conduct
16 an inspection and you would nod and say okay?

17 A Well, I don't know if I physically nodded my
18 head, that's a little sarcastic.

19 Q You're the one that used the word nod. I
20 didn't put the word nod in your mouth.

21 A Okay, then why don't we, you and I, withdraw
22 it. Did I permit him to do it, with
23 authorization from the Court? Yes.

24 Q During your time there, obviously, did
25 Christian Courtwright keep you apprised of

1 each time he was going to conduct a follow-up
2 inspection? Did he come to you and say, hey,
3 I'm going to there this morning?

4 A I don't recall all the dates and the time, but
5 he always would report when he was doing that,
6 because this was a major case in Geauga
7 County, a very public case, a lot of
8 publicity, which was not on purpose, but we
9 got it anyway.

10 MS. HUTH: Can we have about ten
11 minutes, just real quick?

12 MR. BARINGER: Yeah, how about 3:15.

13 THE WITNESS: Sounds good to me.

14 (Zoom recording stopped.)

15 (Recess taken.)

16 (Zoom recording resumed.)

17 By Ms. Huth:

18 Q During your time at the Humane Society, did
19 you keep any records regarding Christian
20 Courtwright's entries onto Bianca Marcellino's
21 property after she was sentenced?

22 A I don't recall.

23 Q Do you recall if Christian Courtwright kept
24 any records about his inspections on her
25 property after she was sentenced?

1 A I don't recall.

2 Q Correct me if I'm wrong, but you had weekly
3 meetings with Christian Courtwright, correct?

4 A Sometimes we had more frequent, depending on
5 what was going on, and other times, we would
6 have them a little less frequently, because
7 there were times when there were no complaints
8 coming in.

9 Q Do you recall if at those meetings you
10 discussed any inspections on her property,
11 subsequent to her being sentenced?

12 A Subsequent is after, sorry.

13 Q I'm only talking about after she was
14 sentenced, if you recall.

15 A I do recall that we had some discussions about
16 it.

17 Q Were any of those discussions put in writing?
18 Did anyone take any notes or anything?

19 A I don't recall.

20 Q Do you recall what the topic of those
21 discussions were in those weekly meetings
22 about Marcellino?

23 A Well, when they were weekly or if they were
24 more or whatever, and when it came follow-up
25 inspections, we would discuss what did you do,

1 because follow-up inspections need to, as much
2 as you can humanly know every piece of the
3 situation, stay within certain boundaries in
4 terms of where you can go and where you can't
5 go, what you can do, what you can't do, and
6 wanting to make sure, also that that was being
7 done well, to the best of his ability and if
8 anything's changed in the situation, if
9 there's any further issues concerning animals.
10 So that would be the kind of thing we would
11 discuss.

12 Q Do you know who Bianca's parents are?

13 A I don't know them.

14 Q You don't know their names?

15 A I know I saw them. I don't know their names.

16 Q Karen and Giancarlo?

17 A Okay.

18 Q They're plaintiffs in the lawsuit that you're
19 a defendant of.

20 A Right.

21 Q Are you aware that Bianca quitclaimed a piece
22 of her property to her parents prior to
23 sentencing?

24 A I believe I recall that.

25 Q Was there any discussion about the parents'

1 property and Christian Courtwright?

2 A I know that the parents' property was not
3 subject to the follow-up agreement, because
4 they were not the plaintiff's in the cruelty
5 cases.

6 Q Do you know if the parents were subject to
7 this Court order that you're referring to that
8 allowed random, unannounced inspections?

9 A They weren't being charged with animal
10 cruelty, so I did not consider them subject to
11 the permission from the Court to follow-up
12 agreements. It was Bianca.

13 Q So if Christian Courtwright had entered the
14 parents' property or had viewed what was on
15 the parents' property, would that be part of
16 his duties to conduct this follow-up
17 inspection on Bianca's property? Did you
18 understand my question?

19 A I'm not sure. I will say this, that we were
20 clear that the property that was transferred
21 was now owned by Bianca's parents, and I'm
22 sorry I forget their names, I obviously saw
23 them at the trial, but I don't have the legal
24 case in front of me.

25 Q Was part of Christian Courtwright's follow-up

1 inspections --

2 A On her parents' property?

3 Q Yes.

4 A No.

5 Q Would he have had a right to inspect what was
6 going on, on the parents' property as part of
7 his inspection of Bianca's property and
8 Bianca?

9 A You mean in terms of with his eyes, if he saw
10 stuff?

11 Q Sure.

12 A I mean, I don't fully really recollect, but we
13 were very firm about that it was Bianca and
14 her property that was subject to the follow-up
15 visit authorization from the Court.

16 Q We, meaning you and the Special Prosecutor,
17 Jeffrey Holland; is that who we is?

18 A Christian and I. For example, if I had been
19 asked, can a follow-up visit be done on
20 Bianca's parents' property, it would have
21 never been asked, but had it been in some
22 strange circumstance, the answer would be no.

23 Q Were you ever made aware that he was on Bianca
24 parents' property? Did he step foot on Bianca
25 parents' property?

1 A I don't think he was aware that he went on
2 their property.

3 Q Was there any discussion about any accusations
4 that he might have gone on their property?

5 A I don't recall.

6 Q Were you aware that he had looked into the
7 barn that's on Bianca parents' property?

8 A I don't recall. Was he aware it was their
9 property?

10 Q I don't know.

11 A I mean, this was years ago, so I don't know
12 recall. He certainly did not do follow-ups
13 with the intention as much as I understood, to
14 do anything having to do with her parents.

15 Q Are you aware that there was a barn that was
16 once on Bianca's property that was then
17 transferred to her parents' property?

18 A I recall being aware of that, yes.

19 Q Did Christian Courtwright ever tell you that
20 he looked at the horses in that barn after
21 Bianca was sentenced?

22 A I don't recall.

23 Q So those meetings that you said were weekly
24 and sometimes happened more often, no one took
25 any notes or anything like that?

1 A I don't recall.

2 Q Who attended those meetings?

3 A That would be attended by myself and
4 Christian, and I'm trying to think if there
5 was any participation by any other major
6 staff. I don't recall.

7 Q So no notes were taken during the meeting.
8 Were any reports or any --

9 A Well, I didn't say no notes were taken. I
10 said I don't recall.

11 Q Were there any follow-up reports made from
12 each meeting, that you know of?

13 A I believe so, but I don't recall the details
14 of that.

15 Q You believe that there were some kind of
16 follow-up reports, but you don't recall?

17 A Well, no, I said I don't recall. I don't
18 recall.

19 Q Are these weekly meetings or more than weekly
20 meetings required by the policies and
21 procedures of the Humane Society?

22 A It was our practice to meet regularly,
23 including so that I would be kept abreast of
24 were there any significant things developing,
25 in regards to complaints, possible bringing in

1 of any animals, any things that needed to go
2 to the Court, issues of going further with an
3 investigation, issues of education. All those
4 kinds of things. So the quantity, the
5 frequency of those meetings, there were never
6 -- we never stopped having meetings. How
7 frequent would vary depending on what,
8 specifically, was going on.

9 Q Were these weekly meetings conducted just
10 because you wanted them to be or was there
11 some kind of written policy that said we
12 should have weekly meetings with the humane
13 agents?

14 A As I said, I don't recall if there was a
15 written policy, but for the time when I was
16 there, there was a policy of discussing
17 developments, making sure that there was
18 coactivity to implementing the humane law
19 function at Geauga Humane Society.

20 Q So those were maybe unwritten informal
21 policies; is that you would more accurately
22 describe them?

23 A I don't recall.

24 Q Do you recall if they were in writing?

25 A I don't recall.

1 Q So when Christian Courtwright decides to
2 conduct a follow-up inspection on Bianca's
3 property after she was sentenced, do you know
4 how that occurred? Would that be something
5 that he just woke up one day and said, well,
6 I'm going to do it today, or did you say, hey,
7 go and inspect, or did the probation officer
8 say go? Do you know how that kind of came
9 about?

10 A What I recollect was that we communicated
11 often and I would ask him, rate what's
12 happening in terms of follow-up on Bianca
13 Marcellino, because this was a serious case.
14 Two findings of guilty for animal cruelty --

15 Q They are all serious, aren't they?

16 A Well, obviously, they are. But as I said
17 earlier, it's not like we are always
18 prosecuting cases. So yes, this was a serious
19 case. That doesn't mean that other cases were
20 not serious.

21 Q So you would say to him, hey, have you
22 conducted a follow-up lately? Is that how it
23 would work?

24 A Yeah, what's going on, because look, it's very
25 serious when people get, not just charged,

1 I mean, you don't control the outcome of a
2 trial, but when guilty is the verdict on two
3 counts, it's important to do follow-up because
4 we are charged with stopping and preventing
5 cruelty to animals.

6 Q You wouldn't tell him how to go about his
7 inspection, you would just say, hey, have you
8 done one lately? I think you need to do one.
9 Is that how that worked?

10 A Well, how to do inspection was governed by not
11 only what you had permission to do and what
12 you didn't have permission to do, but of the
13 procedures that humane agents were doing a
14 good job do to follow the law.

15 Q What procedures are those?

16 A Those procedures have to do with who, what,
17 where, when, how, that you're not privileged
18 to knowingly and intentionally just go on
19 anybody's property. This was a permission to
20 go on Bianca's property. You needed to, if
21 the property owner was there and you could
22 find the person, we certainly wanted that
23 person to know that you were conducting a
24 visit. You couldn't go around and see
25 something hypothetically wrong with animals

1 and just take those animals, because, for
2 example, a guilty verdict for specific animals
3 doesn't give you that right to do that. So
4 these were the kinds of things.

5 The intent is to prevent, is to one,
6 make sure that the terms that were set by the
7 Judge, including lack of ownership or caring
8 for horses at all. So those were the things
9 that were important.

10 Q So those important things, were they in
11 writing?

12 A I don't recall.

13 Q Were those important things something that you
14 made up as you were working there or that were
15 already in place prior to you working there?

16 A These things are, I believe, hopefully in
17 place with any responsible humane society in
18 Ohio, enforcing Ohio humane law statutes.
19 That you were working in, not just the spirit
20 of the law, but in the letter of the law, and
21 because somebody is found guilty, it doesn't
22 give you the freedom to go beyond what the
23 Court is authorizing.

24 Q So correct me if I'm wrong, but you did
25 testify that you conducted annual employee

1 reviews for Christian Courtwright, correct?

2 A Correct.

3 Q Did Christian Courtwright create monthly
4 reports of his humane law enforcement
5 activity?

6 A Well, you know, he had his logs, which I
7 considered to be reports.

8 Q What are those logs? What are they and what
9 do they look like? In a notebook, on a
10 computer?

11 A Well, you know, the Humane Society's, the logs
12 of the work of the humane agents, and I don't
13 have any idea where it's at today, were
14 starting to be in transition from handwritten
15 logs and there was hopes, but we never
16 completed this, to get it to be computerized
17 logs that were part of what was then, the most
18 robust computer program, and that was
19 PetPoint. So I don't recall fully how far we
20 got in that, but for the majority of time I
21 was at Rescue Village, those were handwritten
22 logs.

23 Q Did he give you those logs?

24 A He gave me those logs and I could request
25 those logs.

1 Q What did you do with those logs after he gave
2 them to you?

3 A They were locked in a locked cabinet in a
4 locked office.

5 Q Whose office?

6 A Christian Courtwright's.

7 Q Were those logs in existence at the time that
8 you left employment at the Humane Society?

9 A I believe so. I don't recall.

10 Q Are you aware of the public records laws in
11 Ohio? Are you currently aware of the Ohio
12 public records laws?

13 A I tried to stay abreast of them. Currently, I
14 don't know what the current law --

15 Q At the time that you worked for the Humane
16 Society, were you aware of the public records
17 laws?

18 A In terms of what had to be made available to
19 the public?

20 Q Yes.

21 A I was.

22 Q How about in terms of retention of the public
23 records by the Humane Society?

24 A Well, we had, at least as far as I knew, we
25 had the wonderful habit of keeping all of the

1 logs. We didn't put a statute of limitations
2 on how long they were kept. These questions
3 came up a lot, because, obviously, adoption
4 records, medical records, humane law records,
5 euthanasia, you name it. We were working on
6 making sure we had retention policies. If we
7 were to err, it would be on the side of
8 keeping things too long.

9 Q Were those retention policies in writing?

10 A I don't recall, but I know that a project that
11 we had identified was to develop a more
12 comprehensive records retention policy for
13 everything, including so that we didn't have
14 to -- humane law didn't build up so many logs
15 that it was hard to hold on to, but other
16 things, you're talking large amounts of paper.
17 So it was good to know that we only kept
18 medical records, for example, for six years or
19 seven years. I forget which.

20 Q At the time that you worked for the Humane
21 Society, were you aware that the Ohio law
22 required the Humane Society to have a public
23 records policy?

24 A You mean a records retention policy, which is
25 what we called it?

1 Q (Inaudible.)

2 A I wasn't aware that it was required by law,
3 but I was aware that we, as an agency, wanted
4 to develop that, and where that all went, I
5 don't know.

6 Q So the logs that you refer to that Christian
7 Courtwright may have created, would he have
8 created a log every time he had conducted a
9 follow-up inspection on Bianca's property
10 after she was sentenced?

11 A Would he have? I don't know. Would I have
12 preferred? Yes.

13 Q You don't recall seeing any written logs by
14 him related to the probation inspections of
15 Bianca's property after she was sentenced?

16 A I don't recall.

17 Q So the computer system, at the time you worked
18 there, obviously, so if Christian Courtwright
19 was typing something up on his computer and
20 saved the document on his computer, did you
21 have some sort of interoffice computer network
22 system that it would be backed up or anything
23 like that?

24 A You know what, here's what I don't recall, as
25 sort of what I said, which is, in animal

1 welfare, things were just starting to get
2 moved over onto computerized record keeping,
3 and the two main areas that were changing, the
4 first one was adoptions, and that did get
5 changed. The second two areas were the
6 clinic, the medical capacity, because there's
7 lots of record keeping required, obviously, in
8 an in-house clinic in a shelter. Then we had
9 hoped to go over to computerized record
10 keeping for humane law.

11 When I was there, my recollection was
12 that that was a slow process, because it's a
13 very big deal to transfer records from manual
14 records onto the computer.

15 Q When you were there, was Christian Courtwright
16 using the software called Petpoint?

17 A I don't -- I have no idea how much or how
18 little he was using Petpoint. What I just
19 said was my belief is that we, because it
20 wouldn't have just been him, were not yet
21 basing record keeping for Humane Law on
22 computers. And the computers, with Petpoint,
23 you can designate permissions about who has
24 access to what. But I still think that there
25 was -- I don't really recall where all that

1 was at the time.

2 Q So if Christian deleted a file on his
3 computer, would there be a backup of that on
4 your interoffice system, or your network?

5 A If we were doing reports on a computer, if he
6 deleted them, I have no idea if would have
7 deleted. I don't believe, like I said, I
8 believe manual, handwritten logs were, if not
9 the way we kept records at that time when I
10 was there, it was the over whelmingly
11 predominant way.

12 Q I'm going to show the screen and Steve, I'm
13 going to have this marked as Exhibit A. I'll
14 mark them at the end and send them to you like
15 I did last time.

16 (Exhibit A marked for identification.)

17 Hope, can you see the document?

18 A Yes, the share screen is working.

19 Q Do you see the document that says attachment 5
20 at the top?

21 A Correct, yes I do.

22 Q I'm just going to scroll down slowly. Do you
23 recognize this document?

24 A I don't recall having seen it, but I may have.

25 Q Scroll down slowly. It's got Robert Cont's

1 name, Sofia Applegate, Roberta Ann, Officer
2 Amanda Lester, and it's got some dates it says
3 probation checks on them?

4 A Mmm-hmm.

5 Q Does this document look familiar to you? You
6 said no?

7 A No, I'm saying I don't recall. I may have
8 seen it and I may not have.

9 Q Does this document have any familiarity with
10 you? I mean does this look like this might be
11 a log that he was supposed to do, or anything
12 like that?

13 A I don't have an answer to that because I may
14 have seen it, but I don't recall the
15 circumstances. And these are going back to
16 2015, '16.

17 Q There's some up here. Bianca's is at the
18 bottom right here, hold on -- right there.
19 Bianca Marcellino, you see those? That's
20 around the time you were -- that's more
21 recent, right? 2019, July of 2020?

22 A Right.

23 Q Do you recall seeing anything like what's in
24 front of you, before?

25 A I wouldn't have seen the 2020 entries on this

1 paper because I wasn't there. And I don't
2 recall.

3 Q That's Exhibit A. Matt, would you agree that
4 the Humane Society is subject to the Ohio
5 Public Records Laws?

6 A Yes, in general I would agree.

7 Q During the time you worked there, did the
8 Humane Society have a poster hung in any
9 location that described their public records
10 policy?

11 A I don't recall. We had a place where we
12 posted, put up a lot of posters, but I don't
13 recall.

14 Q Do you recall what your policy was on
15 retaining the retention policy on the logs
16 that Christian Courtwright completed?

17 A I already said that, and I'll say it again.
18 We were in the midst of developing retention,
19 but when it came to medical issues and when it
20 came to Humane Law, we erred on the side of
21 not getting rid of anything while were in
22 development of these policies. We kept
23 everything.

24 Q Do you know if Christian Courtwright kept any
25 records of the time that he spent during the

1 day as part of his enforcement activities?

2 A I don't recall.

3 Q Was he required to keep a record, or notation,
4 or logs of what he did during the day?

5 A What he was required to do, because there was
6 a set of three or two, I don't know how many
7 categories there were. There was part of his
8 job was to also patrol the County, and that
9 actually did lead to both finding animals that
10 needed assistance, as well as doing a follow
11 through or follow up on phone calls or
12 complaints that we got, as well as any kinds
13 of follow ups, such as the Bianca Marcellino
14 case, etcetera. And we would talk about, kind
15 of what was going on. We were even looking
16 at, at one point how much time and how many
17 miles does he report, because he reported on
18 the number of miles he traveled, etcetera. So
19 that's what I remember.

20 Q Everything you just described right now, is
21 that something that's in writing or is that
22 just some sort of informal guide?

23 A I don't recall.

24 Q Would Christian Courtwright be permitted to
25 have conducted any surveillance on Bianca's

1 property? So, after Bianca was sentenced,
2 Christian Courtwright entered upon Michelle
3 Nicastro's property and conducted surveillance
4 on Bianca's property. Were you aware of that?

5 A I'm sorry, can you repeat that? My mind was
6 wondering.

7 Q That's okay, no problem.

8 MR. BARINGER: Sorry, I've got plug
9 in, I'm about to die.

10 Q After Bianca was sentenced, Christian
11 Courtwright entered upon Michelle Nicastro's
12 property. Do you know who Michelle Nicastro
13 is?

14 A I don't remember. Is that a neighbor?

15 Q Yeah, the neighbor that complained constantly
16 about Bianca. Let me ask this, were you aware
17 that Christian Courtwright sat on Michelle
18 Nicastro's property and conducted surveillance
19 on Bianca's property?

20 A I don't recall.

21 Q Would Christian Courtwright have been
22 permitted to -- during your time there,
23 obviously, was Christian Courtwright permitted
24 to conduct surveillance on Bianca's property?
25 Other than walking on to it, was he permitted

1 to sit on a neighbor's property and watch
2 Bianca's property and Bianca?

3 A I don't recall us having spoken about that.

4 Q Were you aware that he did that?

5 A I don't recall.

6 Q Mr. Courtwright was required to clock in and
7 clock out when he began and ended work with
8 the Humane Society, correct?

9 A Well, one of the things about having one
10 Humane Agent for all of a county where there's
11 lots of animals, which I guess is true of any
12 county, really, is that the clock wasn't
13 necessarily what determined when you were on
14 work or when you were out. For example, there
15 were times when late at night the Dog Warden
16 would contact the Humane Agent in regards to
17 say an accident where there were animals
18 concerning.

19 Q But how about for follow up inspections, would
20 he be required to be on the clock for that?
21 Was there a --

22 A No. He was not, in general, required to be on
23 the clock. Now we did try to take into
24 account a job where you're not required to be
25 on the clock can get to be so many hours that

1 it's kind of too much. And the work of Humane
2 Agents can't be just on the clock because
3 situations with animals can come up at
4 anytime.

5 Q But you don't recall if he told you that he
6 was surveilling her property from the
7 neighbors?

8 A I do not recall.

9 Q When Christian Courtwright would conduct
10 follow up inspections on Marcellino's
11 property, on Bianca's property, would each
12 time he tell you that he was going before he
13 went or would he tell you that he went after
14 he went? Just as much as your remember,
15 obviously. I guess at what point did he tell
16 you that he was conducting an inspection on
17 her property? Would it be before he went or
18 after?

19 A My recollection is before, but I am not
20 positive.

21 Q Have you ever spoken to any attorney other
22 than the attorneys in this federal case about
23 Ohio laws that pertains to follow up
24 inspections or probation inspections?

25 A Could you rephrase that? Other than?

1 Q Yes, other than Matt Baringer and the
2 attorneys in this federal case, have you ever
3 spoken to any other attorney about what laws
4 apply to follow up inspections or probation
5 inspections?

6 A I don't recall exactly. I might have spoken
7 with one of the county prosecutors and I may
8 have spoken with a special prosecutor, Jeffrey
9 Holland, but I don't recall, you know Humane
10 Law is a big topic as are the question of what
11 the Courts authorize and what they don't.

12 Q At the time obviously, that you worked there,
13 did the Humane Society have any policies that
14 required Courtwright to take notes during
15 those follow up inspections?

16 A I don't recall.

17 Q Was Christian Courtwright required to take
18 notes during the follow up inspections, and
19 when I mean during I mean as he was conducting
20 them?

21 A I don't know.

22 Q Do you ever recall him having any notebooks?

23 A I recall that he sometimes used notebooks for
24 writing logs.

25 Q And those are the same ones that would have

1 been in that locked file cabinet?

2 A I don't recall.

3 Q Did you ever actually, and I might have asked
4 you and I apologize, did you ever actually
5 read his notes in his notebook or his logs?
6 Like actually put your eyes on them? I know
7 you said that he --

8 A Yes.

9 Q You did, okay. But you don't recall if they
10 had any probation inspection or follow up
11 inspection notes on them, correct?

12 A Right, I don't recall that.

13 Q When Christian Courtwright conducted his
14 follow up inspections on Marcellino's
15 property, had you had any specific
16 conversations with him that said the parent's
17 property is here, don't cross the line?

18 A In my recollection, I don't believe that
19 Bianca Marcellino really informed us, or the
20 Court, that her property line had changed.
21 But again, my recollection is not very strong
22 of that.

23 Q You understand when I'm talking about the
24 Court Order that I'm talking about the order
25 from Judge Stupica that you said authorized

1 Christian Courtwright to conduct the
2 inspections, right? You understand that I'm
3 referring to that Court Order?

4 A Yes.

5 Q Is it your position that a court order is an
6 exception to the search warrant requirement?

7 MR. BARINGER: Objection.

8 A I have no position on that.

9 Q Is the court order an exception to the search
10 warrant requirement?

11 MR. BARINGER: Objection.

12 A I am not aware.

13 Q However, prior to this you said that the court
14 order trumps everything. That if the court
15 order says that they can conduct random,
16 unannounced inspections then that's what you
17 have to follow and that's what Christian has
18 to follow?

19 A I was saying the only thing I could say is
20 unless and until the court order was proved in
21 Court to have been in violation of something
22 that it is in good standing.

23 Q Did you ever advise Christian Courtwright that
24 he should or should not take notes during
25 these follow up inspections?

1 A I don't recall.

2 Q Does Christian Courtwright ever use his
3 personal vehicle to conduct follow up
4 inspections or pervasion inspections?

5 A I'm not aware. We have an Agency vehicle, but
6 that Agency truck might be in use for some
7 other reason, so I don't know the answer to
8 that.

9 Q Was he permitted to use his personal vehicle
10 to conduct follow up inspections?

11 A Specifically, I don't know.

12 Q Was there any policy on usage of a Humane
13 Agent's personal vehicles?

14 A I don't recall.

15 Q Are you aware of whether or not the probation
16 department of the Chardon Municipal Court ever
17 told Christian Courtwright to conduct any
18 follow up inspections?

19 A Not aware one way or another.

20 Q Were you ever in communication with the
21 probation department after Bianca's sentencing
22 about Bianca?

23 A No.

24 Q Have you ever spoken to the probation
25 officers?

1 A About?

2 Q About Bianca?

3 A No.

4 Q Do you recall the dates that Christian
5 Courtwright entered on to Bianca's property?
6 Did I ask her that?

7 MR.BARINGER: Objection.

8 MS. HUTH: Did I ask her that?

9 MR. BARINGER: Yeah.

10 Q You said you didn't know, right?

11 A Right.

12 Q You gave the dates that he entered upon
13 Bianca's property in your answer to discovery.
14 Where would you have gotten those dates from
15 to answer the discovery?

16 A Oh my God, I don't recall this at all.

17 MR. BARINGER: Objection.

18 Q Do you recall answering the discovery that was
19 propounded upon you by the Marcellino's?

20 A When was their discovery? I mean, I'm
21 serious. I have no recollection.

22 Q Do you remember answering interrogatories and
23 requests for admissions, or anything like
24 that?

25 A Yes.

1 Q And in one of those interrogatories it asked
2 you to provide the dates that Christian
3 Courtwright entered upon Bianca's property
4 after sentencing; do you remember that?

5 A I don't recall.

6 Q So you don't recall the dates?

7 A The day, right.

8 Q But you did answer those questions. You
9 answered the interrogatories. You must have
10 gotten those dates from somewhere, right?

11 MR. BARINGER: Objection. She got
12 them through her attorney, it's pretty
13 obvious. Move on.

14 MS. HUTH: You gave her the
15 dates?

16 MR. BARINGER: Yeah.

17 Q Hope, are you aware if Bianca ever violated
18 the terms of that court order that we're
19 referring to?

20 A Do you mean did she take in horses?

21 Q What did the court order say? She wasn't
22 allowed to have horses? Is that what it said?

23 A I believe so. I know for me and for my life,
24 this is a long time ago, so I don't recall all
25 of the things in the order, and I also

1 certainly at this point don't recall whether
2 or not -- what did you ask me? Did she
3 violate it?

4 Q If you were aware that Bianca violated the
5 terms of her probation or community control?

6 A She did?

7 Q No, I'm asking. Do you know if she did or did
8 not?

9 A I don't know. I think at one point a question
10 came up to the Court about that issue, but I
11 don't recall what prompted that exactly or
12 what exactly was the outcome.

13 Q Did you attend Bianca's sentencing?

14 A At the end of the trial?

15 Q Her sentencing?

16 A At the end of the trial?

17 Q It would have been after trial, yes.

18 A The only reason I'm asking is because I want
19 to make sure there wasn't something after I
20 left that went on around another (inaudible).

21 Q After she was tried, the jurors --

22 A I was present, yes.

23 Q And you have actually seen that court order,
24 correct?

25 A I saw it, but I don't recall all of he detail.

1 Q Do you, if you know, do you know if Bianca
2 consented to Christian Courtwright entering
3 her property to conduct these follow up
4 probation inspections?

5 A I don't recall.

6 Q Have you been to Bianca's house?

7 A No.

8 Q So you wouldn't know where the property line
9 is between her parents and her house because
10 you haven't been there, correct?

11 A I would say that's correct.

12 Q Did you ever look at the auditor's records to
13 see where the property line was between her
14 parents and her house?

15 A I don't recall looking at them.

16 Q Do you believe that the general authority of
17 the Humane -- so I think you and I are on the
18 same page on this, and you mentioned this
19 before that Humane Agents are given authority
20 through the statute, correct? I believe it's
21 chapter 1717; would you agree?

22 A I believe that's true.

23 Q So do you believe that the authority --

24 A Well they're given the choice. They may take
25 on the responsibility. They're not required

1 to.

2 Q But once they're a Humane Agent they're
3 required to?

4 A I don't have the answer to that because the
5 agency, right, obviously, I don't know the
6 details of this, but I do know that there
7 were, at least several years ago, some
8 agencies considering no longer enforcing
9 becoming the enforcer of the statutes in their
10 county.

11 Q What I'm understanding you saying is you can
12 be a Humane Society, but you don't have to
13 have Humane Agents that enforce Humane Law?

14 A My understanding of the law in the State of
15 Ohio is that there's the word may. There's
16 not a requirement that Humane Agencies take
17 that responsibility.

18 Q That's correct. So do you believe that the
19 authority given to a Human Agent by statute in
20 the State of Ohio gives Christian Courtwright
21 the authority to enter onto Bianca's property
22 to conduct follow up inspections?

23 MR. BARINGER: Objection.

24 A Not without the permission of the Court.

25 Q So if the Court Order did not exist he

1 wouldn't be allowed to go onto the property?

2 A Yeah, I would fairly say if the Court Order
3 did not exist.

4 Q I don't know if I asked you this, but do you
5 keep written record of the training that
6 Christian Courtwright received during your
7 time?

8 A I certainly kept notes of it because one, I
9 was a firm believer in the need for continuing
10 education and for staying abreast of things.
11 And as you know, animal welfare, that training
12 can be very formal, like with Code 3. It can
13 be a, well I think back then we weren't
14 Zooming until the COVID, right? Zoom calls
15 weren't happening much in those days. They
16 were taking place in libraries or whatever
17 when there'd be education opportunities around
18 humane law or things like that.

19 Q Do you know what the word reasonable suspicion
20 means?

21 A I know more about reasonable doubt than I know
22 reasonable suspicion, and I do think it's also
23 up to the Court if there is a reason to
24 authorize a warrant to go on someone's
25 property.

1 Q Does Christian Courtwright need reasonable
2 suspicion in any of his main law enforcement
3 activities?

4 MR. BARINGER: Objection.

5 A No, I think the questions, I mean, I don't
6 want to -- I'm not putting words in your
7 mouth. I think, and I believe this abides by
8 the law and by Due Process, and we always
9 operated by this. It's not enough to get a
10 lot of suspicions by virtue of a bunch of
11 phone calls to seek to seize animals or to
12 prosecute. Because that's a very serious
13 matter. So, at the key model points, the
14 Courts become instrumental in decisions, and
15 so as not be arbitrary, there wouldn't have
16 been a case, an ongoing case that's still
17 going on now, if there wasn't the basis for a
18 trial, which in deed did find her guilty of
19 animal cruelty. But it's not, I think if you
20 want -- I don't know the legal term,
21 reasonable suspicion. I do know in a trial
22 about reasonable doubt.

23 Q Do you know what reasonable cause means?

24 A Probable cause or reasonable?

25 Q No, reasonable cause.

1 A I don't think I could give you the firm, legal
2 definition.

3 Q How about reasonable grounds?

4 MR. BARINGER: Objection.

5 A What is it that you want to know from me?

6 MR. BARINGER: Do you know what
7 reasonable grounds means?

8 MR. BARINGER: Objection. What
9 context?

10 MS. HUTH: It's a talking
11 objection, Matt.

12 (voices speaking over one another.)

13 Q Have you ever heard of the words reasonable
14 suspicion before?

15 MR. BARINGER: Objection. On what
16 context?

17 Q Have you ever, in your entire life, heard of
18 the word reasonable suspicion used before?

19 MR. BARINGER: Objection.

20 A My life is too long. My life is too long.
21 I've heard millions of terms.

22 Q Were you ever trained in what reasonable
23 suspicion means?

24 MR. BARINGER: Objection.

25 A I never went to law school.

1 Q I didn't ask that. I said in all your
2 training that you've received when you worked
3 for the Humane Society, were you ever trained
4 in what reasonable suspicion means?

5 A Trained in it? No.

6 Q How about reasonable grounds or reasonable
7 cause? Were you ever trained on what those
8 words mean?

9 MR. BARINGER: Objection.

10 MS. HUTH: Matt, you can shake
11 your head all you want.

12 MR. BARINGER: You've not given her
13 any context.

14 MS. HUTH: Talking objection.
15 Not permitted.

16 A Look, if you're asking me is there a legal
17 term by those names that would have sparked
18 going to the Court for a search warrant, we
19 had reasons to believe that animals were being
20 seriously abused to the point --

21 Q I'm not asking about that.

22 MR. BARINGER: Objection. Let her
23 answer.

24 A I don't know what you're asking.

25 MR. BARINGER: You're asking her

1 vague --

2 MS. HUTH: I'm asking her if she
3 knows what reasonable suspicion means.

4 MR. BARINGER: You're asking her
5 vague --

6 MS. HUTH: Talking objections.

7 THE WITNESS: It's too vague.

8 Q Did you ever learn in training what the legal
9 term reasonable suspicion means?

10 MR. BARINGER: In what context?

11 A I don't know.

12 MS. HUTH: Talking objection.

13 A Reasonable suspicion for charges? Reasonable
14 suspicion for --

15 Q How about reasonable suspicion to enter a
16 person's property to conduct a follow up or
17 probation inspection?

18 A I do not believe, short of the Court giving
19 you authority, that whatever term you want to
20 use, there is not going to be -- we went for a
21 court order to be able to go and seek
22 information on her property. We found,
23 including through a veterinarian that we were
24 reasonably suspicious that these animals would
25 die and that it was our obligation, given the

1 Courts certification from Judge Grendell, to
2 prevent the unnecessary death of animals. And
3 the Court permitted us to go on that property.

4 Q So you know what reasonable suspicion means
5 because you just used it right.

6 MR. BARINGER: Objection.

7 A I don't know, you tell me.

8 Q You just used it, so do you know what it
9 means?

10 MR. BARINGER: Objection.

11 THE WITNESS: This is badgering,
12 you know why? Because the plain fact that
13 we're missing here is that whatever
14 terminology you may be fluent in as a lawyer,
15 I am very clear that we were not about to
16 violate the rights of anybody. And that the
17 Court made very important decisions. And that
18 we don't run the Court. We are agents for
19 humane enforcement. And the suspicion started
20 with witnesses. They went further than that
21 through interactions with Bianca herself, with
22 veterinarians taking a look at these horses.
23 She was then brought to trial. She was found
24 guilty. Not by me. Not by Christian. Not by
25 you. But by a court of law. We wouldn't have

1 conducted follow up visits without the
2 permission and authority of the Court. That
3 probably sums up the reality, whether or not
4 that phrase was taught to me or not. Because
5 our charge, within due process, was to stop
6 cruelty to animals that was being perpetrated
7 by the accused, despite offers of assistance.
8 Despite advise, in terms of veterinarians and
9 whatever. And then it took a legal course
10 through the Courts. To do anything other than
11 that, to have not followed up, should the
12 outcome be in the future or now for whatever
13 is the range of the statute, that there are
14 more horses who are treated with cruelty, and
15 there's a prosecution. Had we not followed up,
16 our name would be looked at with contempt. We
17 followed our duty.

18 Q Are you aware of any laws that govern entries
19 on to private property for the purpose of
20 conducting follow ups or probation
21 inspections?

22 A I believe that they can not be done without
23 the authorization of the Court.

24 Q So you are aware of laws or you're not aware?

25 A I'm saying that I believe that it is up to the

1 Court to legally authorize follow up visits.

2 Q Do you know of any statutes that govern follow
3 up inspections or probation inspections?

4 A I don't know the names of statutes.

5 Q Are you aware of any statutes that govern
6 probation inspections and follow up
7 inspections?

8 A This is what I know.

9 Q So it's no or yes, I didn't hear that. You
10 are aware or you're not?

11 A I know that it has to be authorized by the
12 Court.

13 Q I didn't ask that. I said are you aware of
14 any statutes that exist that govern probation
15 inspections or follow up inspections, no or
16 yes?

17 A I'm going to say I don't recall because you're
18 putting me in corner, right?

19 Q I'm just asking if you're aware of any laws?

20 A Would you like to tell me which laws they are
21 and I can tell you if I'm aware?

22 Q Yeah, I will, but I want to ask if you're
23 aware of any first.

24 A I won't know until I hear what they are.

25 Q How about this statute, do you see it?

1 A That is a factor to consider when granting
2 probation, that to me the title of it
3 indicates that that is for the judge.

4 Q Are you familiar with that statute?

5 A Nope, because it looks to me like it's for the
6 judge.

7 Q You've never seen that statute before?

8 A I don't recall.

9 Q And how about this, have you ever seen this
10 language here. Hold on.

11 MR. BARINGER: She's never seen the
12 statue.

13 MS. HUTH: Yeah, I understand
14 she's never seen it. I'm asking if she's
15 familiar with the wording in the statute, if
16 you could just let me conduct my deposition
17 I'd appreciate it.

18 MR. BARINGER: How can she know
19 what's (inaudible) if she's never seen the
20 statute?

21 MS. HUTH: Talking objection
22 again.

23 Q Okay. I've highlighted a section. Does that
24 look familiar? Have you ever seen any
25 language?

1 A I don't recall having seen this statute?

2 Q And you never recall seeing any language that
3 says that reasonable grounds to believe the
4 offender is non abiding? That's not familiar
5 to you?

6 A I'm not familiar. I don't recall seeing this
7 statute.

8 MS. HUTH: Steve, this 295102 is
9 going to be Exhibit B.

10 THE WITNESS: Can you go back to
11 it, because I have a question.

12 MS. HUTH: Sure.

13 THE WITNESS: Can you share screen?

14 MS. HUTH: Sure, do you see it?

15 THE WITNESS: Where it says the
16 revised code shall provide the offender with a
17 written notice and informs the offender that
18 authorized probation officers or adult parole
19 authority field officers with supervisory
20 responsibilities over the offender, blah blah
21 blah blah blah blah, blah blah blah blah, blah
22 grounds to believe that sounds to me and reads
23 to me like it is the decision of the probation
24 officer or the community control, whoever's
25 responsible for this. This is not a statute

1 that guides the Humane Society, and that is
2 why the Humane Society required, or had to of
3 had an authorization in this case from the
4 judge to do follow up visits.

5 Q Okay. But you've never seen this statute
6 before, right?

7 A I don't recall having seen it.

8 Q You never learned about that statute in
9 training then, obviously, right? If you
10 haven't seen it before? Or you just don't
11 recall?

12 A I don't recall having seen it.

13 Q So what about this, on Exhibit B, says -- so
14 you see A in front of you, during the period
15 of a misdemeanor --

16 A You're not sharing the screen, I'm sorry.

17 Q It's okay. So this section right here. You
18 want to read that? You can read it to
19 yourself.

20 A So what is your question?

21 Q You were talking to me about that other
22 section and your interpretation of it. What's
23 your interpretation of this section?

24 MR. BARINGER: Objection. You can
25 answer.

1 A I don't think it's up to me to have an
2 interpretation of it.

3 Q But you were talking about the other section
4 and interpreted it before, the other high
5 lighted section.

6 A I didn't interpret it, I said I couldn't
7 recall having seen it and that it appeared to
8 me to be a statute governing the actions of
9 the Courts or those connected with the guilty
10 verdict. That this was, that we was -- I mean
11 what I'm going to go back to was we had a
12 person found guilty on two counts of animal
13 cruelty in a Court that allowed for random
14 follow up visits. This doesn't determine
15 that, right? Let's not forget, we didn't make
16 up the guilty verdict.

17 Q So, let's say that the statute I just showed
18 you, Exhibit B, governs follow up inspections
19 on a person's property after they've been
20 sentenced, like Marcellino.

21 A Does it? Like I said, I don't --

22 Q Let's just say hypothetically it does.

23 A No, no. I can't deal in hypotheticals.
24 Cruelty is either real or its the --

25 Q We're not talking about cruelty, we're talking

1 about probationary inspections. So --

2 A That was a ruling by a judge. It is not up to
3 me to interpret whether that judge correctly
4 read that statute.

5 Q So whatever the judge says goes?

6 A We don't live in Nazi Germany, and I don't
7 believe that everything that judges do or
8 lawyers do is correct, but that doesn't mean
9 that we don't deal with the Courts and assume
10 that this was a fair trial.

11 Q I'm not talking about the trial, I'm talking
12 about the Court Order.

13 A Are you saying am I doubtful that Judge
14 Stupica was following the law?

15 Q Yes.

16 A Am I doubtful of it?

17 Q You asked me a question, I said yeah, but
18 you're being deposed. Would you ever doubt
19 that Judge Stupica was following the law?

20 A I have no reason to doubt it. I don't have a
21 personal friendship. I felt like Bianca got
22 to represent herself. She had her witnesses.
23 There was a trial. And it was Judge Stupica's
24 decision. So if you have a problem with her
25 decision, maybe you need to go to her and not

1 to Rescue Village.

2 Q So whatever the Judge's order says then the
3 Humane Agent follows, correct?

4 A This is a morale issue and if --

5 Q (Inaudible) specifically as to Bianca's court
6 order.

7 A It is not my judge to determine or accuse. If
8 we had gotten a not guilty verdict, would I
9 respect the decision?

10 Q I'm not asking about a guilty or not verdict.
11 I care about the Court Order.

12 A But it has everything to do with your question
13 because it works both ways. There was no
14 guarantee of an outcome in this trial. In
15 fact, it's very hard to get cruelty
16 convictions. It's very difficult. The number
17 of prosecutions versus any penalty for it is
18 very lopsided. If you're saying had she made
19 a wrong judgement, or violated the statutes,
20 would I go along with it? If I sat with you
21 over coffee and said that was a crappy
22 decision, it wouldn't have meant to her beANS.
23 The only thing is if you believe that she made
24 the decision that violated the constitutional
25 rights of an accused and convicted animal

1 cruelty perpetrator then go deal with the
2 judge.

3 Q If Bianca's court order does violate the
4 Constitution then the person that we have to
5 address it with is the Judge and not you, or
6 the Humane Society; is that what you're
7 saying?

8 MR. BARINGER: Objection.

9 A We don't have the rights and privileges of
10 being a judge. We have a limited scope of
11 responsibility and jurisdiction. We could not
12 seize her animals without having the authority
13 to do so.

14 Q Would you agree that Christian Courtwright has
15 to comply with statutory law?

16 MR. BARINGER: Objection.

17 A I think that this question is loaded.

18 Q I asked you a question, I'm waiting for an
19 answer.

20 MR. BARINGER: Objection.

21 A Statutory law that applies to the Humane
22 Society? Yes.

23 Q You're saying he only has to abide by --

24 A No, no, no, no, no. I'm not going to get
25 caught in this where my opinion of Judge

1 Stupica's decision is what's going to be
2 proven --

3 Q I asked if Christian Courtwright has to abide
4 by statutory law.

5 A A statutory law that applies to his job? Yes.

6 Q What's that chapter, 1717?

7 A You know what? I think that this is such an
8 argumentation, to try to get to you or admit
9 --

10 Q Just answer the question, you're being
11 deposed.

12 A I am answering the question. It is so vague
13 and so general.

14 Q So does Christian Courtwright have to abide --

15 A No, he can violate every law in the book. I
16 mean, come on.

17 Q So the answer is yes?

18 A No, the answer is neither yes, nor no. If a
19 question in my humble opinion does not
20 actually give the person being deposed the
21 ability to answer with a yes or a no question,
22 because if I say no then you will argue that I
23 am saying we have no boundaries to what we can
24 do. If I say yes, then you are going to use
25 statutes that are directed at guidING THE

1 Court and probation officers and whoever else
2 in how they handle this. We are not
3 responsible for that, nor do we get to control
4 it, nor is our opinion relevant in whether
5 Terry Stupica is brought under sensor, as a
6 Judge for the action that she took.

7 If Christian Courtwright said to me, I
8 don't need to get any permission to go on
9 someone's property, I would say wrong, wrong,
10 wrong. If you have no case, but just a hunch
11 that animal cruelty is what's at stake here, I
12 would say no. There's tons of cases where we
13 get calls saying why haven't you taken those
14 horses? And you know this law very well
15 because of cases you've been involved in. If
16 the condition of the horse does not meet, and
17 I forget what the name of the conditions are,
18 right, in terms of 1 through 10. I cannot
19 authorize taking animals. Even if I look at
20 them and they are bony and they don't look
21 good. We have to follow.

22 MR. BARINGER: Let's move on.

23 MS. HUTH: So Christian
24 Courtwright does have to abide by statutory
25 law or he doesn't?

1 MR. BARINGER: You've made the
2 points here, okay? You've made your point.

3 MS. HUTH: Answer it, Hope.

4 MR. BARINGER: Objection, you made
5 your point. Move on.

6 MS. HUTH: No, I'm not moving
7 on, I haven't heard an answer yet. Yes or no?

8 MR. BARINGER: Objection, move on.

9 Q Hope, did the Court Order that we're talking
10 about give Christian Courtwright reasonable
11 suspicion to enter Bianca's property to
12 conduct follow up inspections?

13 MR. BARINGER: Objection.

14 (voices speaking over each other.)

15 Q I'm sorry? I didn't hear her.

16 A The Court gave permission for follow up visits
17 without stipulating that the Court felt there
18 would be a violation or not. It came because
19 of two guilty verdicts and following up to
20 make sure that the decision of the Court, that
21 Bianca could not own or care for horses, was
22 followed. He had a responsibility to continue
23 to enforce that. And not by making
24 pre judgements, but by doing and conducting
25 legitimate follow up visits for which he had

1 permission.

2 Q By the Judge? Permission by the Judge, right?

3 A Yes.

4 Q So if a court order says that you should go
5 break down someone's door and you know that
6 that's not legal, would the Humane Society and
7 Christian Courtwright and you abide by that
8 court order?

9 MR. BARINGER: Objection.

10 A I would immediately get counsel.

11 Q Because you would think that it doesn't sound
12 right, correct? That it doesn't seem like
13 it's legal?

14 A No, because I wouldn't know what on earth is
15 the motive and intent of the question.

16 Q Did you get counsel when the Judge issued a
17 random and unannounced inspection order onto
18 Bianca's property?

19 A No. It was already result of a trial in which
20 she was found guilty.

21 Q So because she was found guilty then the Judge
22 had authorization to (inaudible)orders?

23 A I am not in charge of what the Judge has or
24 has not authorization, but all over the
25 Country, judges can, or not do I know what the

1 laws are; in Ohio, judges can and sometimes do
2 authorize follow up visits. And to my
3 knowledge, that right has not been
4 successfully challenged.

5 Q And is it your opinion that that's a legal
6 order? To conduct a random, unannounced
7 inspection?

8 A It stands right now as a legal order, correct?

9 Q Why do you say that? Because it's in the
10 court order?

11 A Because we are not a lawyers group. We are a
12 Humane Society who is authorized to enforce
13 Humane Law up to and including prosecutions.
14 And this was the decision of a judge who has
15 not been held in contempt by anybody.

16 MR. BARINGER: Next question?

17 MS. HUTH: Yeah, I know Matt.
18 Thanks a lot. You want to take over, Matt?

19 MR. BARINGER: Oh, I'd love to.

20 MS. HUTH: Yeah, I know you
21 would.

22 Q Did Christian Courtwright take any videos of
23 any camera? Take any pictures or videos of
24 his inspections?

25 A I don't recall.

1 Q Does the Humane Society have a policy that the
2 Humane Agent's supposed to take pictures or
3 videos of follow up inspections?

4 A Not that I recall.

5 Q You don't recall if they have a policy or not?

6 A Correct.

7 Q Did you ever advise Christian Courtwright to
8 take pictures or videos of any follow up
9 inspections?

10 A I don't recall.

11 Q Are field notes the same things as these logs
12 that went into Christian Courtwright's
13 cabinet, file cabinet and got locked? Is that
14 the same thing as a field note?

15 A I don't know what you're -- I completely do
16 not understand your question about what got
17 lost or whatever --

18 Q Do you know what field notes are?

19 A Taken in the field.

20 Q Have you ever heard of the term field notes
21 before?

22 A My understanding of that term is notes that
23 you take in the field, which means on site or
24 wherever you're conducting whatever business.

25 Q And those are the same logs that he would have

1 in his cabinet, those written logs, correct?

2 A I don't recall.

3 Q Did Christian Courtwright ever take any field
4 notes?

5 A I don't recall.

6 Q Would you agree that field note taking is an
7 important investigative aid?

8 A I don't have an opinion on that. If you're
9 crawling on the ground to see horses in forty
10 below weather, or cows or sheep or dogs, I'm
11 not thinking that field notes are necessarily
12 going to be the main way that you keep
13 records.

14 Q But do you agree that the records should be
15 kept sometime during or some there after on
16 the probation inspection or follow up;
17 wouldn't you?

18 A I would say it would be preferable.

19 Q Good practice?

20 A Not always possible. Have you ever in part of
21 a seizure of 200 golden retrievers --

22 Q Right, but people forget things over time so
23 it would be good practice to do --

24 A Well you should do it in a timely fashion,
25 yes. If at all possible.

1 Q And the Humane Society at the time you worked
2 there had no written policy that that was
3 something that was required?

4 A I will say again, I don't recall.

5 MS. HUTH: Matt, give me five
6 minutes and I'll see what else I have.

7 MR. BARINGER: Okay, I have 4:36.

8 MS. HUTH: So let's do 4:40.

9 MR. BARINGER: 4:40, sounds good.

10 (Recess taken.)

11 MS. HUTH: Are we ready?

12 MR. BARINGER: Yes.

13 Q So Hope, I just wanted to go over a couple
14 more things. We might have addressed them,
15 but just to get clarification. So if there's
16 a case law that says that it's illegal to
17 enter upon property of a probationer, if there
18 was case law that exists that says it's
19 illegal to enter upon a probationer's property
20 without reasonable suspicion, would the Court
21 Order trump the case law?

22 MR. BARINGER: Objection. Asked and
23 answered. You can answer, Hope.

24 A I can't answer hypotheticals.

25 Q So you're refusing to answer that question?

1 A No. It's a hypothetical question.

2 Q Right, so answer it.

3 MR. BARINGER: Objection.

4 A Could you repeat the question?

5 Q If there was case law that indicated it was
6 illegal to enter a probationer's property
7 unless there was reasonable suspicion,
8 reasonable cause or reasonable grounds that a
9 person has been violating their probation
10 terms or committing a crime, would that case
11 law trump the Court's order allowing random,
12 unannounced inspections?

13 MR. BARINGER: Objection. She is
14 not answering.

15 MS. HUTH: She's not answering
16 it?

17 MR. BARINGER: She is not an
18 attorney, so her answer isn't (inaudible).

19 A I can't answer it. I'm not avoiding it. I
20 can't answer it because --

21 Q (Inaudible) how to answer that question?

22 A No, he's not telling me. I make my own
23 decisions about what I answer and what I
24 don't. And my answer is I'm not mirroring
25 what Matt just said. I am not an attorney.

1 If such a hypothetical situation arose, and I
2 don't know exactly why it would, I would
3 proceed to go to an attorney and get legal
4 counsel.

5 Q Did such a situation arise in Bianca's case?

6 A In Bianca's case there as a decision written
7 by the Judge to allow for follow up visits,
8 unannounced, without any stipulation as to
9 number.

10 Q I might have asked this, but I'm almost done.
11 So Exhibit B was the statute that I showed
12 you, correct? Well, Exhibit B, the statute I
13 showed you, you never had seen that statute
14 before I showed it to you, correct?

15 A No, I said I don't recall having seen it.

16 Q You do or don't recall whether you were
17 trained on that statute?

18 A I don't recall it.

19 Q You don't recall if you were trained about
20 that statute?

21 A Are you asking --

22 MR. BARINGER: She's just asking if
23 you recall being trained.

24 A I don't recall being trained in that statute.
25 Like I've said, ten times.

1 Q So this is Exhibit C, Matt, Marcellino Follow
2 Up. Do you recognize the document that I
3 shared with you?

4 A I don't recall it. I may well have seen it,
5 but I don't recall it.

6 Q Did Courtwright do reports that look similar
7 to this based upon his probation inspections
8 or follow up inspections?

9 A I think some looked similar to this, some
10 didn't.

11 Q You've never seen the one Exhibit C?

12 A No, I said I don't recall.

13 Q Was he required to do these kind of reports,
14 Exhibit C kind of reports for these follow up
15 inspections?

16 A We expected reports on the follow up
17 inspections, correct.

18 Q So he would have, this actually came from you
19 guys' discovery, the defendant's discovery, so
20 you would have received this from Christian
21 Courtwright?

22 A I don't recall.

23 Q Do you recall receiving from any other follow
24 ups?

25 A Well these are, I had said before, I don't

1 recall.

2 Q Do you recall Christian Courtwright producing
3 any Excel Spreadsheets about, I don't know,
4 monthly Excel Spreadsheet reports?

5 A The only thing I recall was that I had seen
6 some spreadsheets that logged all of the
7 complaint calls that we got and what was done
8 with them.

9 Q How about follow up visits, were those
10 recorded?

11 A I don't recall.

12 Q Have you ever sued or been sued before?
13 Besides this lawsuit?

14 MR. BARINGER: Objection, you can
15 answer.

16 A Have I ever, personally?

17 Q Yeah.

18 A Together with the Humane Society on some HR
19 issues.

20 Q What written policies does -- I'm almost done,
21 Matt. What written policies does the Humane
22 Society have related to probation inspections
23 or follow up inspections?

24 A I don't recall.

25 Q You don't know if there are any written or not

1 written policies?

2 A No, I don't recall. That's what I said a
3 couple hours ago.

4 Q Do you recall Christian Courtwright teaching
5 any seminars during your time at the Humane
6 Society?

7 A We did some open events for community members
8 to both meet the Humane Agent and learn about
9 what the Humane Agent does.

10 Q What about any seminars or workshops that he
11 would have taught?

12 A What's the difference?

13 Q He never conducted any seminars or workshops
14 with any other Humane Societies that you
15 recall?

16 A You mean would he teach them for other Humane
17 Societies?

18 Q Yeah, did Christian Courtwright ever teach
19 anyone else about the laws that apply to
20 Humane Law Enforcement, that you remember?

21 A I don't recall.

22 MS. HUTH: Okay, I guess that's
23 it, Matt.

24 MR. BARINGER: Okay. Hope, I'll give
25 you a call to wrap this up. You have a right

1 to have this transcript produced by the court
2 reporter and then you can review the
3 transcript. The purpose of the --

4 MS. HUTH: We are still on the
5 record, do we need to be on the record, Matt?

6 MR. BARINGER: Yeah, just for this
7 because I need to get her to say whether she
8 waives.

9 The purpose of you reviewing it is not
10 to change your answers, it is to indicate
11 whether you believe it is accurate as to what
12 was said. I generally advise my clients to
13 waive that right, but you do have that right.
14 So would you like to have it typed up and read
15 it or would you like to waive that right?

16 THE WITNESS: No. It would be too
17 long and I would fall asleep, so I waive my
18 right. Thank you. Then we're off the record
19 now and Hope, I'll call you.

20 (End of deposition.)

21 - - -
22
23
24
25

1 State of Ohio,)
2 County of Cuyahoga,) SS: CERTIFICATE

3 I, Steven E. Mengelkamp, Certified Digital
4 Reporter and Notary Public in and for the State of
5 Ohio, duly commissioned and qualified, do hereby
6 certify that the within named witness, Hope
7 Brustein, was by me first duly sworn to testify the
8 truth, the whole truth, and nothing but the truth in
9 the cause aforesaid; that the testimony then given
10 by the witness was by me electronically recorded in
11 the presence of said witness, afterward transcribed,
12 and that the foregoing is a true and correct
13 transcript of the testimony so given by the witness
14 as aforesaid.

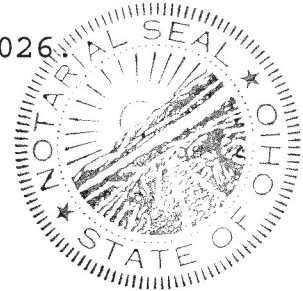
15 I do further certify that this deposition was
16 taken at the time and place in the foregoing caption
17 specified, and was adjourned.

18 I do further certify that I am not a relative,
19 counsel, or attorney of either party, or otherwise
20 interested in the event of this action.

21
22
23
24
25

1 IN WITNESS WHEREOF, I have hereunto set my
2 hand and affixed my seal of office at Cleveland,
3 Ohio, on this 3rd day of August, 2022.

4
5 Steven Mengelkamp (MT)
6 Steven E. Mengelkamp, Certified Digital
7 Reporter and Notary Public in and for the
8 State of Ohio.
9 My Commission expires February 12, 2026



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